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Committee on the Elimination of Discrimination against Women
Sixty-sixth session

Summary record of the 1472nd meeting
Held at the Palais des Nations, Geneva, on Tuesday, 14 February 2017, at 10 a.m.

Chair: Ms. Leinarte

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention

Eighth periodic report of Ukraine (CEDAW/C/UKR/8; CEDAW/C/UKR/Q/8 and Add.1)

1. *At the invitation of the Chair, the delegation of Ukraine took places at the Committee table.*

2. **Ms. Fedorovych** (Ukraine), introducing the eighth periodic report of Ukraine (CEDAW/C/UKR/8), said that the Government had done its upmost to ensure that its response to the complex problems of the previous three years, in particular those associated with the illegal occupation of parts of the country, had been based on the Committee's recommendations. The Committee's previous recommendations had been taken into account in the preparation of the State Programme for Ensuring Equal Rights and Opportunities for Women and Men, which had been approved in 2013. Civil society had been actively involved in its preparation. The Verkhovna Rada, the parliament of Ukraine, had a cross-party group for equal opportunities, and its membership included 47 deputies representing all political parties. A parliamentary gender council whose members included representatives from civil society, State bodies and international organizations had also been established, as had a parliamentary subcommittee on gender equality and non-discrimination.

3. With the support of the Organization for Security and Cooperation in Europe (OSCE), a training course on gender equality and non-discrimination was being introduced for representatives from the media and the advertising industry. One round of training courses had already been conducted for the teaching staff of journalism faculties.

4. The text of the Convention and the Optional Protocol thereto and commentaries on both instruments had been widely disseminated among civil servants. The Ministry of Social Policy organized annual training courses for those responsible for the implementation of gender policy at the local level. Quotas had been introduced to improve the representation of women.

5. The practical implementation of the Convention had been included in a training course for judges, as a result of which the instrument was more frequently referenced in judicial decisions. The Ministry of Social Policy had a council of experts on gender-based discrimination whose members included representatives from various ministries, a representative from the Office of the Parliamentary Human Rights Commissioner, gender experts and academics. The Verkhovna Rada was working to amend legislation relating to the prevention of discrimination with a view to bringing it into line with the law of the European Union. The prohibited grounds of discrimination set forth in the Labour Code now included sexual orientation and gender identity. A gender aspect had been incorporated into a number of recently adopted strategic texts.

6. The Ministry of Social Policy was responsible for guaranteeing equal rights and opportunities for women and men, and the Deputy Prime Minister had been made responsible for the coordination of policies relating to gender equality. Directors of central Government departments sat on the Interdepartmental Council for Family Matters, Gender Equality, Demographic Development, Preventing Domestic Violence and Combating Trafficking in Persons. There were coordination councils at the provincial, municipal and district levels, and representatives from NGOs were included among their membership.

7. In 2016, the National Academy for Public Administration under the Office of the President had introduced a course on gender equality, which had been taken by more than

500 civil servants, and various awareness-raising events had been organized. With the support of the United Nations Population Fund (UNFPA), the "Four Hands Happiness" information campaign had been conducted to challenge stereotypes concerning the traditional division of family responsibilities. Gender and non-discrimination would be taken into account in the reform of the education system, which was currently under way. There were five gender studies departments in universities as well as a network of gender studies centres.

8. With regard to domestic and gender-based violence, many positive changes had taken place on the legislative front in recent years: fines and punitive work had been abolished in favour of more effective types of punishment; a comprehensive new bill on domestic violence had been drafted; a bill criminalizing domestic violence was under consideration; a draft text on the provision of specialized shelters for victims of domestic violence was being prepared; a consolidated database of incidents of domestic and gender-based violence was being built; standards were being developed for the provision of assistance to victims; and, following a successful pilot project, there were plans to institutionalize a system of mobile support units.

9. A comprehensive rehabilitation programme had been developed for girls aged 14-18 years and women who were victims of violence or belonged to other at-risk groups. Police officers and health-care and social workers who worked with victims of violence received relevant training, as did judges and military personnel. Although there were not yet enough shelters for victims, accommodation could at least be provided on a temporary basis, for example in centres for social and psychological assistance. There were 20 such centres in Ukraine, including a centre in Donetsk province, which had been re-registered in the territory under the control of the Ukrainian authorities.

10. Girls who were victims of violence could receive the necessary assistance at rehabilitation centres and children's shelters. There were also institutions for young mothers and State-funded social service centres. With the support of UNFPA, a centre for female victims of gender-based violence had been opened in Kharkiv in 2016, and there were plans to open further centres in four provinces. There were 547 centres providing free legal aid. Gender-disaggregated data on the prevalence of domestic violence continued to be collected. As existing legislation lacked articles on specific forms of violence against women, the data currently collected were limited, but they would be improved by the amendments to criminal legislation that had been submitted to the Verkhovna Rada.

11. Since the submission of the report under consideration, steps had been taken to combat trafficking in persons. In 2016, the victim identification process had been improved, which had resulted in a fourfold increase in the number of persons awarded victim status; the number of criminal prosecutions had risen by 2.7 per cent on the previous year; the size of the one-off financial payment awarded to victims had increased; a bill granting local authorities greater powers to address the issue had been drafted; a State programme on prevention of trafficking in persons had been adopted for the period up to 2020; and the preparation of a strategy for an information policy on trafficking in persons, domestic violence and equal rights and opportunities had begun. Despite the introduction of quotas, the task of increasing the number of women in Government bodies remained a challenge. A number of legislative acts had been prepared in that regard.

12. The military aggression against Ukraine had served to bring together society as a whole. While stereotypes continued to prevent women from entering politics, popular attitudes were changing. Since 2013, the proportion of women occupying high-level positions in the civil service had increased from 28 to 34 per cent. Although women were entitled to equal pay, in practice they earned around 25 per cent less than men. The causes of the gender pay gap included the larger proportion of women in part-time or low-paid work, childcare responsibilities and the ban on the employment of women in certain

arduous or hazardous jobs and night work. In 2016, the number of military occupations that women could take up had increased significantly. There were around 15,000 kindergartens in Ukraine, and 74 per cent of children aged 3-5 years were enrolled in a kindergarten. In 2016, an additional 25,000 kindergarten places had been created.

13. As part of its drive towards European integration, Ukraine had begun to implement 18 socio-economic reforms. The patrol police had been set up as part of the reform of the law enforcement agencies, and 25 per cent of its officers were women. The reform of the social service system aimed to guarantee the availability and quality of services, in particular for vulnerable groups of women. Ukraine had 19 State standards for social services, including a recently approved standard for mediation services. To expand the provision of high-quality social services, a social procurement mechanism had been introduced. In 2014, gender budgeting had been introduced with the support of the Swedish International Development Cooperation Agency, and 41 programmes had since been analysed.

14. Following the implementation of the "Reproductive Health of the Nation" programme, which had ended in 2015, the rates of maternal and infant mortality had fallen, obstetric units had been fitted with equipment for emergency medical care, a system had been introduced to prevent infection in obstetric units and women who suffered from diseases that would put their lives at risk in case of pregnancy were given free contraceptives.

15. The Government devoted significant funding to address infertility among women, who accounted for the overwhelming majority of all cases of infertility, and data from 2015 showed that 20 per cent of women of reproductive age required the use of assisted reproductive technology for fertility treatments. The number of abortions among adolescent girls had decreased and, over the previous 10 years, the number of persons aged 15-17 years who had been diagnosed with HIV had fallen by 43 per cent. The State guaranteed free access to services to prevent mother-to-child transmission of HIV. Every year, more than 97 per cent of pregnant women voluntarily submitted to testing for HIV.

16. The Family Code now set the age of marriage at 18 years, and procedures had been improved to facilitate the collection of data disaggregated by gender. A strategy had been adopted to strengthen the protection and integration of Roma. In 2014 and 2015, passports had been issued to around 4,000 members of the Roma community. There was an Internet radio station for Roma.

17. Ukraine had been working to implement the Millennium Development Goals and supported the Sustainable Development Goals. In 2016, new development indicators had been devised with regard to the gender pay gap, the representation of women in decision-making positions and domestic violence. In fulfilment of the Committee's recommendation, Ukraine had acceded to the International Convention for the Protection of All Persons from Enforced Disappearance in 2015. The President and the Government were working towards the swift ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention).

18. The conflict in eastern Ukraine had created new groups of vulnerable persons, including participants in the conflict, the families of participants who had been killed and internally displaced persons. Over the previous three years, a range of legislative acts had been adopted to protect their rights and freedoms. The social and humanitarian situation in the territory of Donetsk and Luhansk provinces that was no longer under the control of the Ukrainian authorities was critical. The Government could no longer process social payments for persons residing in areas of the country that were no longer under its control, as the funds could be used to finance terrorism. The payment of pensions and other benefits

to such persons could be resumed only if the territorial integrity of Ukraine was restored or if they were resettled in the territory under the control of the Ukrainian authorities.

19. The occupation had accelerated the adoption of the national action plan for the implementation of Security Council resolution 1325 (2000), which would run until 2020. Following the first year of its implementation, more women had entered military service. In 2017, the Government had approved a plan of action to implement State policy in specific districts of Donetsk and Luhansk provinces that were no longer under its control.

Articles 1 to 6

20. **Ms. Ameline** said that, while she commended the State party for its response to the current crisis, the impact of the conflict on the civilian population, in particular minority groups, had been severe. Nevertheless, although the crisis was principally humanitarian in nature, it also offered an opportunity for the increased involvement of women in political life. In that connection, she wished to know how the Ministry of Social Policy had been involved in the negotiation and implementation of the Minsk agreements.

21. It seemed that a gender perspective had not been fully integrated into the 18 reforms initiated since 2014, and the legal definition of discrimination was unclear. Furthermore, information on how the principle of gender equality could be incorporated into the preparation and application of laws would be helpful. An evaluation process should also be developed to eliminate discriminatory provisions from domestic legislation more effectively. Did any of the parliamentary bodies mentioned earlier in the meeting perform that function?

22. She wondered whether the Istanbul Convention would soon be ratified. Furthermore, she wished to know how domestic and humanitarian law was applied in the parts of the country that were not under the control of the Ukrainian authorities, in particular Crimea, how civil society could be further mobilized to raise awareness of the Convention and how the Committee's recommendations would be disseminated and implemented. What policies would be put in place to support the social integration of ethnic minorities, including Roma, and lesbian, gay, bisexual, transgender and intersex (LGBTI) persons? Lastly, she wished to know whether steps were being taken to improve the access of OSCE observers to the Donbas region.

23. **Ms. Patten** said that, while the State party was to be commended for its efforts to respect its obligations under the Convention in such challenging circumstances, it would have been helpful if the State party's report had included information on the impact of the conflict under each article of the Convention. In addition, the report had not made reference to the Committee's general recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations (CEDAW/C/GC/30).

24. With regard to sexual violence, she wished to know whether there were plans to revise the Criminal Code to bring the definition of rape into line with international standards. A more comprehensive definition would make it easier to prosecute perpetrators in conflict situations. It would be helpful to learn whether efforts were being made to strengthen the capacity of law enforcement officials and the judiciary to investigate, document and prosecute acts of sexual violence and what specific measures were being taken to ensure the provision of timely and comprehensive assistance, including health-care services and legal support, to survivors of sexual violence. Furthermore, she wished to know whether there were plans to implement transitional justice mechanisms, including judicial and non-judicial measures such as truth commissions and reparation programmes, to address conflict-related sexual violence in a comprehensive manner.

25. She wished to know what preventive measures were being taken to prevent the internal displacement of women and girls and protect the human rights of displaced persons,

what steps were being taken to meet their needs, including women subjected to multiple and intersectional discrimination, and to what extent the decentralization reform was based on the needs of women, in particular internally displaced women. She wished to know whether the resources allocated to the national action plan for the implementation of Security Council resolution 1325 (2000) were being reviewed in the light of the recommendations of the global study on the implementation of Security Council resolution 1325 (2000), entitled *Preventing Conflict, Transforming Justice, Securing the Peace*, and whether a coordinating mechanism would be established to ensure its effective implementation.

26. With regard to the peace process, she wished to know what specific steps were being taken to increase the participation of women in the formal peace negotiations, what measures were being taken to ensure women's needs and concerns were met as part of the process and what was being done to ensure the inclusion of a critical mass of women in international, national and regional peace negotiations.

27. **Mr. Petukhov** (Ukraine) said that women had been closely involved in the peace negotiations, in particular the Minsk process. Iryna Herashchenko, the First Deputy Chair of the Verkhovna Rada and the presidential envoy for the peaceful settlement of the situation in Donbas, had played an active role in the negotiations, for example by negotiating the release of detainees. In addition, Olga Aivazovska, the director of a major Ukrainian NGO, had participated in the talks. As for the comments made with regard to the information submitted on the impact of the conflict on women, he wished to stress that the situation was complex and continually evolving. Ukraine had not been occupied since the Second World War. In that connection, it should also be noted that Oksana Syroyid, Deputy Chair of the Verkhovna Rada, had recently presented a bill on the temporarily occupied territory of Ukraine.

28. **Mr. Yenin** (Ukraine) said that there were no plans to amend the article on rape in the Criminal Code, as other forms of sexual violence were covered under a number of other articles. The training programme for law enforcement officials included a wide range of courses, including on human rights, the rule of law, domestic violence, trafficking in persons and forced marriage. The Supreme Court had been requested to ensure greater uniformity of judicial practice with regard to gender-based violence.

29. **Mr. Petukhov** (Ukraine) said that, following the military invasion of the Russian Federation, the Government no longer had effective control over Crimea and parts of the Donbas region. For that reason, the Russian Federation bore primary responsibility for the protection of human rights in those territories. Nevertheless, Ukraine had an obligation to do everything within its powers to ensure the protection of human rights in those territories and to bring to light any violations of those rights. To that end, the Government coordinated and worked with international monitoring mechanisms, though access to Crimea was limited. It should be noted that the General Assembly had recently adopted resolution 71/205 on the situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol (Ukraine).

30. The situation in Donbas was better by comparison, and the international organizations with a presence in the region included OSCE, the United Nations and the International Committee of the Red Cross. International observers had unrestricted access to the parts of the Donbas region that were under the control of the Ukrainian authorities, and repeated calls had been made for the establishment of a mechanism to improve their access to the rest of its territory. Various arrangements had been made for displaced persons, for example the relocation of State bodies and streamlining of the procedures for issuing official documents. Two checkpoints were operational, but security concerns had prevented a third from opening. On one occasion, a bus had been attacked at a checkpoint.

31. **Mr. Yenin** (Ukraine) said that the issue of justice in the context of the situation in the Donbas region was under discussion. Two applications had been submitted to the International Criminal Court, and its prosecutors were now considering the possibility of opening an investigation. The Constitution had been amended to allow for the ratification of the Rome Statute of the International Criminal Court.

32. **Mr. Petukhov** (Ukraine) said that Ukrainian anti-discrimination legislation had recently undergone major changes and was now fairly extensive. It included many internationally accepted terms, including direct discrimination and indirect discrimination, and amendments to the relevant law had been presented to the Verkhovna Rada with a view to bringing it fully into line with international standards. Following recent amendments, the Labour Code now banned discrimination on the grounds of sexual orientation or Roma ethnicity, among others, and that provision would be retained in the new version of the Labour Code. The recent equality parade in Kyiv had passed without incident, as those protesting against the event had been prevented from disrupting it.

33. **Ms. Malakhova** (Ukraine) said that the integration of marginalized groups was a priority, and particular emphasis was placed on education in that connection. For example, a first-ever reference to gender competence had been made in the amended Education Act, which had already passed its first reading. It was hoped that, by working with schools and higher education establishments, it would soon be possible to change attitudes among the population.

34. **Ms. Bohdanova** (Ukraine) said that, over the previous two years, a gender perspective had been incorporated into many government policies and programmes, including the national human rights strategy for the period up to 2020 and the action plan for its implementation, which had been adopted in late 2015, the poverty reduction strategy adopted in late 2016, the policy framework for public administration reform adopted in 2016, the strategy for public finance reform adopted in 2017 and the policy framework for ensuring gender equality for the period up to 2021, which was currently under consideration by the Cabinet of Ministers.

35. Since the introduction of gender budgeting, gender-related issues were no longer covered by a single budget. Civil society organizations worked closely with the Government on such issues and were involved in all advisory bodies. In 2016, a social procurement mechanism had been introduced in five provinces. It had been used to finance nine projects, and its implementation would be expanded as a way of improving cooperation. Training courses on gender issues had been organized for public servants, in particular psychologists. Furthermore, literature on the practical implementation of the Convention had been published. For example, an information leaflet had been produced on how to identify and report gender-based discrimination.

36. **Ms. Fedorovych** (Ukraine) said that the ratification of the Istanbul Convention was a priority. Following the recent vote in the Verkhovna Rada, working meetings had been held with members of civil society and church representatives, and their opinions had been influential. Despite the delay, the importance of ratifying the instrument was widely acknowledged.

37. **Ms. Patten** said that she would be grateful for a response to her question on the financing of the national action plan for the implementation of Security Council resolution 1325 (2000). Furthermore, she wished to know what percentage of those involved in the peace process were women and what measures were being taken to increase the number of women involved in the formal peace negotiations. It was her understanding that there were no women in the Trilateral Contact Group and that none of the working groups was headed by women. She asked whether the delegation did not agree that, to facilitate the prosecution of perpetrators of rape in conflict situations, the current definition of rape under the law

should be expanded to include not just sexual assault involving intercourse between a man and a woman but also elements such as the use of force or the threat of force or coercion, such as that caused by fear of violence, duress, psychological oppression or abuse of power. Lastly, the delegation was invited to comment on reports that women were being illegally detained and subjected to sexual violence in areas close to the zone of conflict. What measures had been taken in response to those reports?

38. **Ms. Ameline** said that, with regard to the issue of violence in the zone of conflict, more should be done to help affected women, in particular women who had been displaced, women living alone and women residing close to the zone of conflict. The State party was to be commended for its interactions with the International Criminal Court. She asked what would be done, once the delegation had returned to Ukraine, to act on the Committee's recommendations and strengthen gender equality.

39. **Mr. Petukhov** said that it had historically been rare for women to occupy high-level government positions in Ukraine. He did not have precise figures for the number of women involved in the Minsk process, but the negotiations involved a small number of participants. To cite one example of the involvement of women in the Minsk negotiations, however, the First Deputy Chair of the Verkhovna Rada, referred to earlier, had played a leading role in the subgroup on humanitarian issues. As for the comment made with regard to definition of rape, it should be borne in mind that the Criminal Code included specific articles on various other sexual offences, including compulsion to engage in sexual intercourse. The existing provisions covered all possible scenarios involving non-consensual sexual intercourse.

40. Various NGOs and monitoring mechanisms had reported that individuals were being illegally detained and were at risk of exploitation, in particular sexual exploitation, in the territory not under the control of the Ukrainian authorities. In response, the Government had called for greater access for independent monitoring mechanisms. As for illegal detention in the territory under the control of the Ukrainian authorities, both the United Nations Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment had recently conducted monitoring visits. Furthermore, Ukraine had established a fully functioning national preventive mechanism, and relevant training had been provided for law enforcement officials. No further cases of illegal detention had been reported, and it seemed that the problem had been eradicated in the territory under the control of the Ukrainian authorities.

41. **Ms. Fedorovych** (Ukraine) said that the Ministry of Finance did not allow funds allocated under one part of the budget to be transferred to another. For example, funds allocated to the budget for the maintenance of existing shelters and centres could not be transferred to the budget for the national action plan for the implementation of Security Council resolution 1325 (2000). Recently, a series of public service announcements had been produced, but the cost of broadcasting them had been spread across a number of different budgets. Given the manner in which action plans were funded, it was often difficult to state the total funds available for their implementation. Furthermore, some of the measures provided for under other programmes, such as the programme for internally displaced persons and the comprehensive programme for the rehabilitation and social adaption of participants of counter-terrorist operations, would also serve to implement the action plan for the implementation of Security Council resolution 1325 (2000).

42. **Ms. Semeniuk** (Ukraine) said that Ukraine had officially requested the establishment of a peacekeeping police mission to provide stability and enforce the rule of law in the east of the country. However, it would take a year to establish. Her Government had received invaluable technical assistance from United Nations agencies and the Center for Civilians in Conflict, and the Government was in the process of preparing a policy framework for the protection of civilians in the conflict zone. Training would be provided

for relevant personnel with a view to preventing civilian casualties. The establishment of civilian casualty mitigation teams would help to enforce the rule of law in the occupied territory and prevent violence, in particular against women and girls.

43. **Ms. Fedorovych** (Ukraine) said that the Government made every effort to involve civil society organizations in the preparation of strategic policies, action plans and legislative acts, including a bill on the prevention of domestic violence, for example. Furthermore, civil society organizations provided social services through a social procurement mechanism and played an important role in monitoring human rights.

44. **Ms. Ameline** said that, although she found the efforts made by the Government to reform the justice system to be commendable, further steps were needed to ensure that the law was enforced and free legal assistance was available, in particular with a view to ending violence and punishing discrimination against women. While welcoming the introduction of various strategies and plans on human rights, equality and women and peace and security, she wondered whether those initiatives were being implemented in a coordinated and coherent manner. In the light of the ongoing decentralization process, she wished to know what measures were in place to ensure that the issue of gender equality was approached consistently and that women retained the same rights throughout the country. She would also be interested to know whether the technical support being received by Ukraine from the international community was sufficient for its efforts to promote equality between women and men.

45. She asked whether impact assessments had been carried out or were envisaged in respect of the numerous laws recently introduced. She would be grateful if the delegation would provide information on the situation of women in detention, in particular in the occupied parts of the country, where reports indicated that they were subjected to abuse.

46. **Ms. Nadaraia** said that she was concerned at the limited application of temporary special measures in Ukraine. In fact, despite the introduction of equal rights and opportunities legislation and changes to the law on political parties, very little had changed on the ground. While welcoming the introduction of a 30 per cent quota for women candidates on electoral lists, she noted that the law did not contain any strong enforcement mechanisms, nor did it stipulate the numerical order of women candidates on such lists. She asked what further measures were envisaged to promote women's participation in political life and in decision-making roles, what steps had been taken to help public officials to understand the meaning and scope of temporary special measures within the context of article 4 of the Convention and the Committee's general recommendation No. 25 on temporary special measures. In that connection, she also wished to know whether the Government intended to introduce gender quotas to increase women's representation on supervisory councils of State-owned enterprises, and whether any assessments had been carried out with a view to analysing equal gender relations and applying temporary special measures in fields in which women faced particular discrimination. Lastly, she would welcome information on whether temporary special measures were in place for disadvantaged and vulnerable groups of women, particularly those facing multiple forms of discrimination, such as Roma women, and whether there were any plans to extend the application of such measures to disadvantaged groups of women, including women with disabilities, internally displaced women and older women.

47. **Mr. Petukhov** (Ukraine) said that the judicial reforms under way were being conducted in a manner that supported greater participation of women in the justice system. By way of example, an open and transparent selection process for judges for the new Supreme Court had enabled more women to apply, with women candidates representing more than 30 per cent of those under consideration.

48. Regarding the legal aid system, he took issue with the view that it was ineffective and inaccessible. Some 500 legal aid centres were available nationwide, covering regions, towns and villages. Moreover, mobile teams were in place to provide support to persons with reduced access to legal assistance, such as those living in remote areas and along the contact line. According to the most recent statistics, the majority of persons who had sought legal aid were, in fact, women. Legal information and advice — primary legal assistance — were provided free of charge. However, persons seeking secondary assistance (defence against charges, representation of interests or drafting of procedural documents) were required to meet certain criteria, such as a low income, lack of employment or status as an internally displaced person. Guidance on gender-based violence and domestic violence was also provided by legal aid centres.

49. As to gender quotas, although no specific penalties were imposed on political parties that failed to meet the required proportion of women candidates, additional State funding was available as an incentive for parties to comply with them. In fact, one party had recently met the criteria and received extra funding as a result. Penalties for non-observance of the quotas were, however, being considered. In the meantime, an amendment to the legislation was being assessed in order to stipulate how women and men candidates should be represented on party lists. While there were no current plans to establish formal gender quotas for supervisory boards of private and State-owned companies, the independent supervisory board of the State-owned oil company was headed by a woman. Thus, even without formal quotas, more and more women were making inroads into positions of influence in the economic life of Ukraine.

50. Regarding women in detention, in the Ukraine-controlled part of the country, women represented just 5 per cent of the prison population, including 20 minors. Women and men prisoners were held in separate facilities and young prisoners were kept separate from adults. It was, however, a different story in the occupied territory, where reports suggested that such rules were not being observed. Many women who had been detained there had since been freed under the negotiations and exchange processes.

51. Lastly, it was hoped that decentralization would actually lead to women's empowerment. Many women had been very active in their local communities but, under the previous system, they had not had the opportunity to develop their careers, and policy decisions had been made at central rather than local levels. Thanks to decentralization, however, local services, such as schools and hospitals, were now being run by the local authorities, some of which were headed by women leaders.

52. **Ms. Bohdanova** (Ukraine) said that some 47 per cent of judges were women, a figure that rose above 50 per cent in some local areas. As to temporary special measures, job quotas were in place for single parents with children under 6 years of age, women with children with disabilities, persons of pensionable age, of whom women were in the majority, and persons with disabilities. In 2016, those quotas had helped almost 125,000 people to find employment. The Government was now looking at what other temporary special measures could be introduced as part of a gender equality programme.

53. **Ms. Fedorovych** (Ukraine) added that tax breaks and other incentives were also provided to companies hiring persons with disabilities and a fund had been set up as a means of creating employment for persons with disabilities.

54. **Mr. Yenin** (Ukraine) said that reform of the judicial system was well under way but would take some time to complete. Data on rape cases in recent years had shown that offenders had been duly prosecuted and punished. The recruitment process for local prosecutors had recently been concluded; 77 per cent of applicants were from outside the current system, 30 per cent of whom were women candidates. Lastly, the Office of the Procurator General worked hand-in-hand with the Ministry of Justice to monitor and

improve the observance of human rights in places of deprivation of liberty, with a special emphasis on the situation of women detainees. In that connection, access for international monitoring missions in the temporarily occupied territories was crucial.

55. **Ms. Halperin-Kaddari** said that, in view of the fact that legislation on gender-based violence seemed to be full of contradictions and loopholes, ratification of the Istanbul Convention would provide the means to fill those gaps. However, there were reports that the process of adoption was being hampered by Members of Parliament who wished to remove all mention of gender, gender-based violence and sexual orientation owing to the influence of the Church. With that in mind, she wished to know what the prospects were for Ukraine to adopt the Istanbul Convention and the timeline envisaged for doing so. She noted with alarm that some 88 per cent of domestic violence cases were punished with a monetary fine and that victims of domestic violence were ineligible for free legal aid since it was not a criminal offence. With that in mind, she wondered whether the bill criminalizing domestic violence would trigger other necessary changes or whether there were plans to tackle those issues irrespective of, and perhaps prior to, adoption of that bill. By way of example, the State party might consider amending the eligibility criteria for legal aid to include all cases of domestic violence, regardless of the income of other family members. She urged the State party to amend the definition of rape in order to bring it into line with current international standards and to introduce the so-called battered woman syndrome defence as a mitigating factor for women victims charged with homicide. Lastly, she would welcome information on the number of shelters and types of services offered to women victims of gender-based or domestic violence only, including women with disabilities.

56. **Ms. Nadaraia** said that the simple presence of armed forces in populated areas increased the risk that sexual violence would be used as a tactic by the military and armed groups on either side of the conflict in eastern Ukraine or by the forces of the Russian Federation in the Autonomous Republic of Crimea. There were reports that such practices had occurred on both sides of the line of contact and that they were also associated with other human rights abuses, such as illegal detention, unlawful killings and the destruction and looting of property. She wished to know what steps the State party had taken to strengthen the capacities of law enforcement officials and the judiciary to investigate, document and prosecute cases of sexual violence in conflict-affected areas and to ensure that all allegations of such offences were treated in compliance with international standards and practices, such as the International Protocol on the Documentation and Investigation of Sexual Violence in Conflict. She wondered what measures were in place to ensure the provision of timely, non-discriminatory and comprehensive assistance and support services to victims of violence and torture and whether capacity-building activities and other measures had been provided in that regard to professionals working in State-run institutions.

57. **The Chair**, speaking in her capacity as an expert, said that, since it appeared that almost all women working in prostitution were liable to penalties under either the Code of Administrative Offences or the Criminal Code, she wished to know what measures were being taken to reduce the demand for prostitution. In the Committee's experience, the criminalization of prostitution often resulted in women in prostitution being subjected to exploitation and abuse by police officers. What measures was the Government taking to prohibit this form of discrimination and violence against women?

58. **Ms. Ameline** said that, in times of conflict or hardship, women and girls were at particular risk of being trafficked, often for the purposes of exploitation and forced prostitution. In view of the current situation in Ukraine, she wondered what steps were being taken to ensure a thorough evaluation and identification of the most vulnerable groups of women, in particular women living alone, young women and displaced women, to enhance support for victims of trafficking, including through reception centres and

access to psychosocial services, to provide related training to police officers and judges and to strengthen international cooperation on combating trafficking in persons. She would also appreciate further information on the number of prosecutions brought and convictions obtained under the recently enacted anti-trafficking laws and the types of sentences handed down.

59. **Mr. Petukhov** (Ukraine) said that there was absolutely no question of sexual violence being used in conflict-affected areas as part of a State-sponsored policy. However, the sexual exploitation of vulnerable populations was often a consequence of armed conflict. That being said, it was important to distinguish between Ukrainian armed forces and those on the other side of the conflict. While it was true that offences had been committed by Ukrainian forces and volunteer battalions and that such offences were probably underreported, clear legal procedures were in place to ensure that any offences were promptly investigated and the armed forces were held accountable for their actions. Under the law enforcement and procedural law reforms, for example, all complaints were automatically entered into a centralized electronic register. Moreover, cases involving sexual offences by Ukrainian soldiers had been tried and the offenders punished, while other such cases were still pending. On the other side of the contact line, however, international observers had reported a lack of rule of law and no real court system. Some outdated laws were being applied while others seemed to have been invented on the spot. There was a lack of procedural guarantees, legal aid and accountability among armed personnel. For that reason, Ukraine continued to call on the international community to come up with a more robust peacekeeping solution.

60. The issue of prostitution and exploitation of women was a moral question. As things stood, there was little public appetite to improve the situation of sex workers, and there were no current plans to amend the legislation. That being said, the Government was taking action to raise awareness of the issue and initiate public discussion. It was by no means an easy subject to tackle, however, and both the Verkhovna Rada and society at large had their reservations. Trafficking in persons was also a major issue, in particular in conflict-affected areas where millions of people had been displaced. Many Ukrainians had been the victims of trafficking in the Russian Federation, often for the purposes of the illegal distribution of drugs. For that reason, warnings advising against any travel to the Russian Federation had been issued; however, the Government was unable to regulate movement in the areas that were not under its control. Tackling human trafficking was a priority issue in Ukraine. To that end, a human trafficking division had been set up in the national police, as had a human rights division, which was mandated to protect the rights of detained people and provide appropriate training to police officers.

61. **Ms. Bohdanova** (Ukraine) said that some 19,000 police officers had received capacity-building training in a purpose-built interactive classroom, and 18 one-day training sessions on preventing sexual violence in conflict situations had been held in 17 provinces in conjunction with civil society organizations.

62. Almost 700 social services centres for children and young people existed throughout Ukraine, including in small towns and local communities, which provided high-quality services accessible to victims of violence. Moreover, 20 psychosocial and rehabilitation centres throughout the country provided temporary accommodation to victims of violence. An amendment to a Government decree had also been drafted to make provision for victims requiring long-term care or those with psychosocial disorders. In addition, 21 maternal and child welfare centres provided services to child victims of violence, and psychological services in children's shelters were also available to girl and boy victims. A further two shelters for victims of violence were scheduled to be opened in the Dnipropetrovsk and Zaporizhzhya provinces in 2017, and the local authorities would take over responsibility for running the shelters from international organizations. A similar approach had been taken in

respect of the social apartment project for women victims of violence, which had initially been funded by NGOs but was now being co-financed by the local authorities.

63. **Ms. Fedorovych** (Ukraine) said that shelters for victims of violence were set up and run in accordance with the principles of the Istanbul Convention. Both local and regional authorities were involved in the supply and management of such services and, in March 2016, as part of the decentralization process, funding was provided to local authorities to enable them to run the shelters under their jurisdiction. Provisions were also in place to ensure that decentralization did not have a negative effect on the delivery of social protection. Local authorities and newly established merged territorial communities had been made fully aware that any action taken in respect of social protection had to be done in line with central Government guidelines as well as on the basis of their local financing needs. Budget allocations had been shifted from central budgets to local ones. Many local authorities had ended the financial year 2015/16 with a budget surplus, and the Government wished to ensure that those funds were used to meet social welfare needs, including shelters.

64. **Mr. Yenin** (Ukraine) said that it was difficult to forecast precisely when the Istanbul Convention would be ratified, since incorporating its provisions into national law entailed the introduction of a considerable number of amendments to current laws and regulations. For instance, a separate article on domestic violence and provisions on different types of restraining orders for alleged and convicted perpetrators of sexual and domestic violence would be introduced to the Criminal Code. Moreover, the definition of rape under the Code would be amended to bring it more into line with the Istanbul Convention and other international standards. Incorporation of the Protocol into domestic law would also require amending the Code of Administrative Offences, for example, establishing new databases and taking a wide range of other measures.

65. As part of police reforms, courses on domestic violence and human trafficking had been developed for police officers, and some 12,000 patrol officers in 70 cities had received such training in the past few years. In the final quarter of 2016, 200 specialized anti-human-trafficking police had been trained, and provision had been made to train a further 100 during 2017. Efforts were also being made to enhance community policing and reinforce cooperation with schools. Lastly, a joint law enforcement operation on sexual violence had cracked down on organized groups involved in the exploitation and forced prostitution of women.

66. **Ms. Fedorovych** (Ukraine) said that a comprehensive legislative approach was being taken to address the issue of violence against women. In that regard, two bills — one containing the text of a new law and the other containing amendments to existing laws and codes — were currently before the parliament. The standards relating to the provision of social welfare and protection services for victims of violence were based on the principles of the Istanbul Convention. Violence against women in Ukraine was, however, largely perpetrated in the home. As a result, mobile emergency response teams dealing with domestic violence had been established, and it was hoped that that rapid response mechanism would become a standard operating procedure across the country.

67. Regarding trafficking in persons, awareness-raising materials, such as posters and brochures, had been produced in conjunction with various international organizations for use at the local level with a view to rolling them out nationwide at a later date. Videos warning the public of the dangers of trafficking in persons had also been produced. Lastly, officials working in the field of trafficking in persons received training on identifying potential victims, which, in turn, helped to improve statistical data on the issue and ensure the provision of relevant services.

68. **Ms. Halperin-Kaddari** said that she would be interested to know more about the new definition of rape that would be incorporated into the various laws mentioned earlier

and about the progress that had been made on amending the relevant legislation. Reports suggested that one of the reasons why the Istanbul Convention had not been ratified was a reluctance to accept the categories of sexual orientation and gender identity set forth in it, which were viewed as homosexual propaganda. If that was the case, and if ratification proceeded with reservations to those categories, she had concerns that vulnerable groups of women, particularly those belonging to sexual minorities, would not be sufficiently protected, particularly since there was no specific hate crime legislation in place to protect those women.

69. **Ms. Ameline** said that she wished to reiterate the Committee's concerns in view of the renewed fighting in eastern Ukraine and the plight of the vulnerable sections of the population living in Donetsk and Luhansk provinces. It was clear that emergency response units were needed in those areas, since the infrastructure was in a terrible condition or had been destroyed entirely. There were also concerns that obstacles prevented persons wishing to leave conflict-affected areas from reaching the safe passage corridors. Lastly, regarding trafficking in persons, she asked whether any trafficking networks had been successfully dismantled and how many perpetrators of that offence had been convicted.

70. **Ms. Fedorovych** (Ukraine) said that the proposed changes to the Code of Criminal Procedure and the Criminal Code and measures to combat trafficking in persons could be found on the website of the Verkhovna Rada. Regarding the bill on gender-based violence, although there had been some disagreement regarding some of the terminology it contained, both Members of Parliament and the All-Ukrainian Council of Churches and Religious Organizations were calling for the adoption of the law. It was therefore hoped that both that bill and the Istanbul Convention would shortly be adopted.

71. **Mr. Petukhov** (Ukraine) said that the Government was making every effort to educate the public on the LGBTI community. Progress was being hampered, however, by the propaganda broadcast by Russian State television, which reached a sizeable proportion of the Ukraine population. It was therefore difficult to have a rational, learned discussion when Russian propaganda was distorting the conversation and peddling lies not only about the LGBTI community but also about the European Union. However, steps were now being taken by the European Union to produce Russian-language communications in a bid to counter that propaganda.

72. **Mr. Yenin** (Ukraine) said that the Labour Code contained provisions prohibiting discrimination on the basis of sexual orientation and gender identity. While there had been an increase in the number of investigations conducted by the national police into cases of violence against women and girls, the number of criminal prosecutions and convictions had fallen slightly in 2016, largely owing to the ongoing reforms of the police and the time required to train specialized police officers.

Articles 7 to 9

73. **Ms. Nadaraia** said that, although some progress had been made, women remained severely underrepresented in public and political life, the civil service and decision-making bodies, largely due to the prevailing system of oligarchy, the lack of incentives to promote women to positions of power and a low level of awareness among women of their rights to be represented on an equal footing with men in managerial and executive positions and corporate boards of directors. She wished to know what additional measures, besides quotas, were envisaged to encourage parties to include more women candidates on their lists, what action was being taken to encourage political parties to achieve more of a gender balance on party lists and whether the Government planned to introduce any temporary special measures to address the chronic underrepresentation of women in elections. Lastly, in view of the fact that just five women were occupying high-level positions in the country's

diplomatic missions, what measures were being taken to improve women's representation in diplomatic missions and international organizations?

The meeting rose at 1 p.m.

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Committee on the Elimination of Discrimination against Women
Sixty-sixth session

Summary record of the 1473rd meeting
Held at the Palais des Nations, Geneva, on Tuesday, 14 February 2017, at 3 p.m.

Chair: Ms. Leinarte

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Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Eighth periodic report of Ukraine (continued)

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Eighth periodic report of Ukraine (continued) (CEDAW/C/UKR/8; CEDAW/C/UKR/Q/8 and Add.1)

Articles 7 to 9 (continued)

1. *At the invitation of the Chair, the delegation of Ukraine took places at the Committee table.*

2. **Ms. Martina** (Ukraine) said that there were currently four women ambassadors and five women consuls general. The number of women employed at every level of the Ministry of Foreign Affairs had increased steadily over the past 20 years and, until recently, two of the four deputy ministers for foreign affairs had been women.

3. **Ms. Bohdanova** (Ukraine) said that efforts were being made to encourage highly trained professional women to enter politics, to raise the profile of women in political life and to encourage party leaders to include more women on their lists of candidates. Efforts were also being made to increase the representation of women in the civil service, particularly in more senior positions. Since 2013, the share of women who held senior-level posts had increased significantly, and, in accordance with the Sustainable Development Goals, steps were being taken to increase women's representation even further.

4. Women made up the majority of the more than 1.6 million internally displaced persons currently registered in the areas of Ukraine controlled by the Government. A considerable level of State funding had been allocated to address housing issues and other difficulties experienced by such internally displaced persons.

Articles 10 to 14

5. **Ms. Malakhova** (Ukraine) said that efforts were being made to ensure that all children in Ukraine finished primary and secondary school, including those from Roma communities. Schools were obliged to offer a place to all children who were legally registered in their catchment areas. Children who, for whatever reason, were unable to enrol in the area where they were registered were allocated a place elsewhere.

6. **Ms. Gbedemah** said that she welcomed the fact that the literacy rate in Ukraine was extremely high for both men and women. She was concerned, however, about the lack of a standard curriculum that included courses on gender, as such courses could be used to change entrenched patriarchal attitudes in society. She noted that the number of women occupying senior leadership positions in education was rather low. Were there any temporary special measures in place to increase that number? She was also concerned that, in some schools, gender stereotypes were reinforced by syllabuses, with girls being required to study cookery while boys were being taught woodwork, for example. She wondered whether measures had been taken to include peace education in the curricula, especially in the light of the conflict taking place in Ukraine, and, if so, what impact had the measures in question had. Noting that the dropout rate for Roma pupils remained high, she asked whether temporary special measures had been taken to ensure that such pupils remained in school until they completed their education. She would appreciate it if the delegation could provide gender-disaggregated statistics on the number of girls and boys who entered and graduated from military academies and the subjects in which they specialized. Information on the development and implementation of anti-harassment measures would also be appreciated.

7. **Ms. Verges** said that she was concerned that a substantial gender pay gap existed in both the public and private sectors, that women were prohibited from working in certain sectors, that discrimination adversely affected recruitment, particularly in relation to the army and other branches of the military, that women's social rights were frequently violated and that women had difficulty obtaining financing for business ventures. She would welcome information on any measures taken to promote women's self-employment. She wished to know, in particular, what was being done to make financing more readily available to women who wished to become self-employed and what vocational training schemes were available to women who wished to enter the labour market, particularly the private sector. The Committee would welcome further information on the steps being taken to tackle sexual harassment in the workplace and to make women more aware of their rights under the current employment law. Lastly, she encouraged the Government to produce more disaggregated statistics and key indicators on employment in order to facilitate the implementation of reforms in that area.

8. **Ms. Patten** said that she welcomed the country's anti-discrimination and employment laws and was pleased to note that the Constitution contained a specific provision that made it possible for women to combine work and motherhood. She asked whether temporary special measures had been taken to tackle the problem of discrimination against women in the labour market, to address the fact that women were underrepresented in the workforce, to provide economic incentives to women in both formal and informal employment, to improve inadequate employment regulations, to tackle corruption in the civil service, to make good the lack of a comprehensive State policy on employment, to combat discriminatory practices in recruitment and promotion and to build the capacity of the labour inspectorate. She wondered what efforts were being made to repeal discriminatory legislation that prohibited women from working in a number of professions. Lastly, she would like to know what measures were being taken to address the significant gender pay gap and the problem of gender-based occupational segregation in the labour market, which made it difficult for women to enter highly paid sectors.

9. **Ms. Chalal** said that the Committee welcomed the progress made by the State party under the "Reproductive Health of the Nation" programme. However, she was concerned by the prevalence of HIV/AIDS, which constituted a very serious public health problem. Although infection rates among young persons had fallen, they continued to increase among certain groups, including intravenous drug users, sex workers and their partners. What steps were being taken to tackle the epidemic under the State-wide social programme for countering HIV infection and AIDS for the period 2014-2018?

10. Noting that the Government had undertaken to ensure that 90 per cent of persons living with HIV/AIDS would have access to antiretroviral drugs by 2018, she asked what percentage of persons who were HIV-positive currently had access to such drugs. She wished to know what action had been taken to reduce the stigmatization attached to HIV/AIDS and discrimination on the part of health-care workers against women and sexual minorities living with HIV/AIDS.

11. In view of the fact that breast cancer was a leading cause of death among women, the Committee would welcome information on the impact of the national cancer control programme for the period up to 2016. It would also appreciate hearing about any follow-up strategies planned by the public health authorities to reduce breast cancer rates. The Committee also wished to know whether studies on breast cancer had been carried out and whether any counselling services were provided.

12. She would be interested to hear more about women drug users and their access to health services, particularly in the area of sexual and reproductive health. It would also be helpful to know what steps were being taken to ensure access to reproductive health-care services for internally displaced women and women living in areas that were not controlled

by the Government. She would be grateful to have an account of the steps being taken to adapt the health system to modern-day requirements and to ensure that all citizens had fair and equal access to health services. She wondered whether the State party intended to increase the proportion of the gross domestic product allocated to health services. It would also be interesting to learn whether mobile units were available to provide emergency primary care in conflict zones.

13. **Ms. Malakhova** (Ukraine) said that Ukraine had a nationwide electronic data system to measure the school attendance and dropout rates of children, including Roma children, at all levels of the education system. If any child dropped out of the system, the authorities would contact his or her parents to ensure that the situation was rectified. According to the data available, only a small percentage of children failed to complete secondary education. Those who dropped out of the system usually did so as a result of health problems and tended to continue their education at home.

14. Turning to the question raised concerning standardization of the curricula concerning gender issues, she said that, although the Higher Education Act granted a significant degree of autonomy to higher education institutions, including over the courses of study offered, their curricula were coordinated by the Ministry of Education and Science, which had a working group on gender equality tasked with developing anti-discrimination measures. Despite the efforts of the working group, however, few higher education institutions offered courses on gender equality or courses with a strong gender focus.

15. Nevertheless, the curricula of kindergartens, primary schools and secondary schools were subject to a gender analysis that took feedback from various voluntary organizations into account. In addition, a certification programme had been established in order to check for, and eliminate, content in textbooks and classroom materials that perpetuated discriminatory attitudes and stereotypes. The results of that programme would be taken into account by school textbook publishers. The Government was working on a new educational policy framework intended to ensure that gender-based and other types of discrimination were eliminated from the education system. Pilot schemes had been run in a number of schools to analyse the situation and make recommendations on both the content of the curricula and the quality of teaching. The physical infrastructure of the schools had also been assessed to ensure that there were no posters or similar materials that might be intentionally or unintentionally promoting gender-based discrimination.

16. As to the steps taken to promote the employment of women in the private sector, in schools, boys and girls had access to computers to research various professions and identify where there was demand and which subjects they needed to study in order to enter a particular profession. The aim was to eliminate the stereotypes that certain jobs were for girls and others were for boys. Employment centres offered training and retraining programmes for younger and older workers, including in computer skills, which were particularly beneficial for women in rural areas, who found it most difficult to find a well-paid job. School curricula were being reviewed to take into account the disability perspective. An ambitious programme had been set up in the Zaporizhzhya area, with the assistance of a private fund, to make all the schools in the region as inclusive as possible. It was hoped that the programme would be extended to other regions.

17. Turning to the issue of occupational segregation, she said that, unfortunately, some professions were still not considered to be open to women in Ukraine. One reason might be linguistic. Some positions, in the military or the banking sector, for example, continued to have gender-specific job titles. It was therefore necessary to review the language that was used to ensure that it was gender-neutral and non-discriminatory. The Ministry of Education, together with various academic institutions and NGOs dealing with gender-related issues, had started to compile a gender-neutral dictionary of the Ukrainian language, which it hoped would help remedy the situation. With respect to the question raised

concerning peace education, under the new Education Act, teachers were receiving further training to ensure that children were taught and able to speak about peace and non-violence.

18. **Ms. Semeniuk** (Ukraine) said that her Government attached great importance to educating the military on children in armed conflict, gender and international humanitarian law, and such training had been provided with the support of the International Committee of the Red Cross in the past. Systematic training was now provided to all officers and soldiers on those topics, and a memorandum had been signed with the organization Global Rights to run such courses. Educational activities were also undertaken with children in affected areas on what to do if they came across explosive devices. With the support of UN-Women and other international organizations, several publications had been issued on the gender perspective.

19. **Ms. Syvak** (Ukraine) said that the national health care system was undergoing reforms and additional funding had been secured for that purpose. An agreement had been reached for the Global Fund to Fight AIDS, Tuberculosis and Malaria to remain in the country for an additional three years, by which time 100 per cent coverage would have been achieved for patients with HIV/AIDS. There were plans to train primary-care doctors on how to treat such patients. Twelve regional perinatal centres had been opened and two more were under construction. The abortion rate had dropped considerably over the past four years, but high rates remained a problem. Concerning the question raised about the stigma attached to HIV-positive persons, gynaecologists and primary-care doctors were currently being trained on the proper treatment of such patients. Training was also given to help teach girls to prevent pregnancy and sexually transmitted infections, and sexual health was a part of the school curriculum. Reproductive health drugs were provided free of charge by the State, including in cases of women with diseases other than reproductive system diseases.

20. **Ms. Bohdanova** (Ukraine) said that statistics on employment would be provided in writing.

21. **Ms. Ameline** asked what was being done to promote the employment of internally displaced persons and whether their children had access to school.

22. **Ms. Chalal**, recalling the 2015 recommendations of the Committee on the Rights of Persons with Disabilities, asked whether the State party had any plans to abolish the practice of forced sterilization of persons with disabilities and to provide legal remedies and reparations to victims.

23. **Ms. Verges** said that she would welcome information on steps being taken to close the gender pay gap and to ensure women's access to credit.

24. **Ms. Malakhova** said that the children of internally displaced persons received assistance from NGOs to ensure access to education, regardless of whether they had identity documents or not. Charities ran fund-raising campaigns to help internally displaced children access education. There were sometimes difficulties in obtaining a place at school, but the authorities generally reacted quickly. Children in areas not under the control of the Ukrainian authorities could nonetheless follow the Ukrainian curriculum via online distance education. Women facing financial difficulties could request assistance to send their children to school. Teachers always did their utmost to ensure that children received an education. Schools kept a close eye on internally displaced children and provided them with additional support where necessary. Efforts were being made to simplify procedures and allow schools and individuals to provide distance education, in compliance with Government guidelines and within the national curriculum.

25. **Ms. Syvak** (Ukraine), responding to the question raised concerning persons with disabilities, said that the national system of rehabilitation services was currently being reformed, and, in 2016, a number of new professions, such as physical therapy and

occupational therapy, had been introduced. Those professionals would now join social workers and other specialists on multidisciplinary teams that worked with patients to help them participate in society and prepare for employment.

26. **Ms. Malakhova** (Ukraine) said that it was true that there was a considerable gender pay gap, which was due to a number of objective factors but also to persistent stereotypes about traditional jobs for men and women. Consistent efforts were being made to improve the situation. For example, salaries in the female-dominated profession of teaching had recently been raised, which meant that many women had seen their incomes increase.

27. **Mr. Petukhov** (Ukraine) said that access to credit in the country was generally quite limited due to the economic crisis, and the problem was not necessarily based on gender, but on social status and origin. In cooperation with organizations such as the European Bank for Reconstruction and Development, a programme was being implemented to help internally displaced persons start new businesses, which would benefit women moving from the occupied territory, who would otherwise have little chance of obtaining credit from commercial banks.

28. **Ms. Fedorovych** (Ukraine) said that, in 2016, 127 women and 528 men had been registered as refugees. There were no special procedures for refugees' access to the labour market; they were subject to the same labour laws as everybody else. At the end of 2016, the gender pay gap had stood at more than 25 per cent. The possible reasons for the gap had been studied, with a particular focus on the areas where it was widest. Women were well represented in government jobs, although they tended to have lower pay levels than men in the same or similar jobs. Efforts were being made to encourage girls to enter better paid sectors, such as the information and communications technology (ICT) sector, which continued to employ many more men than women. Steps also needed to be taken to make it easier for women to combine work and family life, which was something that currently prevented many women from seeking and remaining in well-paid jobs. Crèches were sometimes provided in the workplace, as was the case in the Ukrainian parliament.

29. **Ms. Bohdanova** (Ukraine) said that there were rehabilitation centres at the regional and local levels, which provided career guidance and training for persons with disabilities.

30. **Ms. Ameline** said that the equitable distribution of social income and pensions, including to internally displaced persons, should be a priority. Noting that the State party had developed a poverty reduction strategy, she would welcome details of the measures in place specifically for women and the priorities set under the strategy. She wished to know what measures were being taken to ensure that women had real social and professional autonomy, such as the provision of childcare services, access to social services and credit, and support for education and setting up businesses. Recalling the close link between women's rights and sustainable development, she wished to stress the importance of ensuring that women were involved in efforts to help the country out of the current crisis.

31. **Ms. Arocha Domínguez** said that it was regrettable that the State party had provided virtually no information in relation to article 14 on rural women, merely stating that the main problems of rural women, described in the sixth and seventh periodic reports, had not fundamentally changed. The lack of updated official information made it difficult for the Committee to properly evaluate the situation of rural women in the country and how the Convention was being implemented in those areas, although, thankfully, information from alternative sources had been accessible. She drew the State party's attention to the Committee's recent general comment No. 34 on the rights of rural women, which should be taken into account when preparing the next report. Noting that the budget cuts made as a result of the country's economic crisis were having a disproportionate impact on rural areas, she said it would be useful to have details of any specific programmes for rural women, including single mothers, for example. She wished to know how the Government monitored

employment in the informal sector, in which the majority of women in rural areas worked, in the absence of official statistics. What protections were in place for women in the informal sector? The delegation might comment on steps taken to minimize the potential negative effects of major foreign investment projects, for instance in the mining and agricultural sectors, and the consequent influx of workers, on local communities. She wondered what was being done to foster the inclusion of minorities, such as sexual minorities and women with disabilities, in rural areas.

32. **Ms. Semeniuk** (Ukraine) said that the National Human Rights Strategy for the period up to 2020 covered a comprehensive range of topics, including discrimination in all spheres and the right to study and set up businesses. The Government was receiving support from NGOs to implement the strategy and would welcome any advice on the subject.

33. **Ms. Malakhova** (Ukraine) said that a strategy for including a gender component in the school curriculum, at both primary and secondary levels, was currently being finalized in the relevant ministries.

34. **Ms. Bohdanova** (Ukraine) said that more than half of all internally displaced persons were of pensionable age, and they did receive their pensions. According to the latest figures, some 21,000 internally displaced persons were now in employment. Efforts had been made in the past year to develop a mechanism for dealing with sexual harassment and discrimination in the workplace and provide assistance to victims. There was now a council of experts in the Ministry of Social Policy to handle allegations of gender-based discrimination. Gender equality was provided for in all collective bargaining agreements. Incentives were also offered to employers to encourage them to offer equal opportunities to men and women. A mechanism had also been established in the unions to monitor the situation and report any violations. There was a new indicator to capture the fact that housework went unpaid, and further research would be conducted in that area to help ensure that such work by women was taken into account when tackling the gender pay gap. Some 52 per cent of persons living in rural areas were women, or almost 7 million women. Women in rural areas did face considerable difficulties, mainly because of poor infrastructure. Nonetheless, many rural women were active community leaders. There was also a 2,000-strong association of women farmers. As part of the country's decentralization policy, work was under way on a strategy to improve conditions in rural communities, which, it was hoped, would benefit women in particular.

35. **Mr. Petukhov** (Ukraine) said that the mining industry in the State party was already very old and most of the sector was made up of State- or locally owned companies. There were no major multinational players in the industry. Many centres of extraction had been urbanized, and the people working in the industry were usually locals, so there was no influx of external workers. Most major investments were offshore, and there was therefore no impact on rural communities. Licensing agreements required investors to ensure that a proportion of revenue was invested in the communities where the minerals were extracted, and legislation had been adopted to that effect. It was for the local communities themselves to decide what the funds should be invested in.

36. **Ms. Fedorovych** (Ukraine) said that, by law, internally displaced persons were entitled to financial assistance from State employment centres, which were present in every major town. They were also entitled to State medical assistance. Employers received financial incentives from the State for hiring internally displaced persons, the amount of which depended on the region. It was not expected that internally displaced persons would experience long-term unemployment. Under the law on farms and agricultural development, workers were to have their employment recorded in the workbook they carried and be provided with social insurance cover. Women were entitled to three years of insurance payments by the State. Efforts were being made to provide a full range of social services in

"one-stop" centres. Two such offices had already been set up and it was hoped that they would also be established in other cities.

37. **Ms. Arocha Domínguez** said that it would be important to continue to monitor the situation in the mining and agrifood industries closely.

Articles 15 and 16

38. **Ms. Halperin-Kaddari**, referring to article 16 of the Convention, said that she had studied the English translation of the Family Code with interest. Congratulating the State party on having increased the minimum age of marriage for girls to 18, she said that the challenge now would be to ensure that the provision was enforced. She would appreciate details of programmes to prevent underage marriage, which she understood was still a problem in some communities, as well as the exceptions in which marriage was permitted between the ages of 16 and 18. Noting that de facto unions were not recognized under the Family Code, she wondered what safeguards were in place for women and their property rights in such relationships. She would be interested to know whether the State party guaranteed the maternal rights of LBGTI women, for example recognizing the ties between a non-biological mother and her child in the event of the partner's — the biological mother's — death. She wondered whether there were any plans to raise awareness among judges of the unsuitability of mediation as a remedy in domestic violence cases and whether domestic violence was taken into account by courts when determining child custody issues. Recalling the Committee's earlier recommendation concerning the definition of marital property, she commended the State party on its regulations on marital property, which she considered very balanced and advanced in the light of the Committee's general recommendation No. 29 on the economic consequences of marriage, family relations and their dissolution. She asked whether any research had been conducted on the application of those provisions, in particular the one on spousal maintenance following dissolution of marriage, and why there was a limit of three years for payment of post-divorce maintenance.

39. **Ms. Fedorovych** (Ukraine) said that, under the bill on domestic violence that was currently before the parliament, mediation would be prohibited in cases of domestic violence. In advance of the law being passed, training programmes for judges and lawyers and university courses were already being developed. Police officers, social workers and health-care workers would also receive training on domestic violence.

40. **Mr. Petukhov** (Ukraine) said that, under the Family Code, the court took into account the interests of parties before granting permission to persons aged between 16 and 18 who wished to marry; the most commonly cited reason for requesting an exception was pregnancy. Civil registrars refused to register marriages if the parties did not have identity documents attesting that they were of age. Informal underage marriages were not widespread. The property rights of members of de facto unions were the same as those of married couples and were covered by article 74 of the Family Code, which provided that any property acquired during their cohabitation belonged to them as joint property unless a written agreement between them provided otherwise. Under Ukrainian law, marriage was defined as the union of a man and a woman, so all provisions applied only to heterosexual married couples. To date, there were no provisions recognizing the ties between same-sex couples, but the Government had committed to producing a bill in 2017 on civil partnership, which would be applicable to all couples. With regard to maternal rights, single mothers and those not officially married received additional State protection and benefits.

41. **Ms. Bohdanova** (Ukraine) said that the Convention on the Elimination of All Forms of Discrimination against Women had been invoked in 155 court cases in 2016, which was a positive step forward. Although the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) had not yet been ratified, legal professionals were already being trained on the instrument in the

expectation that it would be. The problem of underage marriage arose primarily in the Roma community; mediation and awareness-raising campaigns were being used to tackle the issue, with a focus on girls, who were the most likely to drop out of school as a result of early marriage. Mediators would be working together with social services in three regions in 2017; initial results had been positive.

42. **Ms. Halperin-Kaddari** said that efforts should certainly be strengthened to prevent early marriage. She asked whether unmarried couples received any social benefits or tax breaks that might serve as safeguards to help women in such relationships.

43. **Mr. Petukhov** (Ukraine) said that there were no benefits attached to de facto unions other than the aforementioned marital property rights.

44. **Ms. Federovych** (Ukraine) said he wished to thank the Committee for the enriching dialogue. The Committee's constructive comments would contribute to continued efforts to combat discrimination against women in her country. The Committee's concluding observations would be shared with the relevant authorities and civil society and the necessary action taken to implement them.

45. **The Chair** said she was grateful to the delegation for the constructive dialogue. She encouraged the State party to take all necessary measures to implement the Committee's recommendations.

The meeting rose at 4.50 p.m.

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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
Sixty-sixth session

Summary record of the 1474th meeting
Held at the Palais des Nations, Geneva, on Wednesday, 15 February 2017, at 10 a.m.

Chair: Ms. Leinarte

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Combined sixth and seventh periodic reports of Ireland

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined sixth and seventh periodic reports of Ireland (CEDAW/C/IRL/6-7 and CEDAW/C/IRL/QPR/6-7)

1. *At the invitation of the Chair, the delegation of Ireland took places at the Committee table.*

2. **Ms. O'Brien** (Ireland), introducing the combined sixth and seventh periodic reports of Ireland (CEDAW/C/IRL/6-7), said that her Government was committed to the promotion and protection of human rights, as shown by its significant contribution to the work of the United Nations Human Rights Council, in particular to highlight the importance of a safe and enabling environment for civil society actors and to underscore the role of women's and girls' education and empowerment in addressing the root causes of child morbidity and mortality. The second National Action Plan on Women, Peace and Security focused on women's empowerment and participation in conflict resolution and peacebuilding. Ireland had a strong and vibrant civil society, which had participated actively in the preparations for the current discussion with the Committee.

3. **Ms. Baxter** (Ireland) said that in promoting the country's recovery from the recent economic and financial crisis, the Government was giving priority to job creation. There had been a strong improvement in employment opportunities for women, which were the gateway to financial independence, well-being and the realization of their potential. Funding from the European Social Fund would be made available for initiatives to help women join the labour market and for projects to promote women's entrepreneurship. A package of measures had been approved in the State budget for 2017 to provide support for single parents, including increased funding for childcare. Cuts to the Farm Assist scheme had been reversed, thus ensuring financial support for some 8,000 low-income rural families.

4. The Electoral (Amendment) (Political Funding) Act 2012, under which political parties could not receive State funding unless at least 30 per cent of the candidates they put forward for national elections were women, and the National Women's Strategy 2007-2016 had given impetus to efforts to increase women's participation in national politics. A committee had been set up to draft the new National Women's Strategy 2017-2020, and a public consultation had been launched to inform that process.

5. A national inclusion strategy for persons with disabilities was being prepared and legislative measures were being taken to advance the ratification of the Convention on the Rights of Persons with Disabilities. A national inclusion strategy for Travellers and Roma was also being developed, and the question of recognizing Travellers as a distinct ethnic group was being addressed in that context. The Gender Recognition Act 2015 provided for the legal recognition of transgender persons according to their gender identity.

6. New legislation criminalizing the purchase of sexual services had been enacted with a view to eliminating the demand that drove the exploitation of women and girls. The new law would protect victims of sexual violence during criminal proceedings and included a clear definition of consent to a sexual act, as well as a list of circumstances indicating that consent had not been given freely or voluntarily. A domestic violence bill introducing a new emergency barring order had been published. The order could be obtained for up to eight working days to enable the victim to seek safety. The bill would also criminalize forced marriage and repeal the exemption in place with regard to underage marriage.

7. Termination of pregnancy had been under discussion in Ireland for more than 35 years and remained a topic of intense debate. Article 40 (3) (3) of the Constitution, which had been added as the result of a referendum in 1983 and guaranteed the right to life of the unborn, could only be amended by a further referendum. The Government had established a Citizens' Assembly, comprising 99 Irish citizens selected at random, to consider constitutional reform, including the possible amendment of article 40 (3) (3). Its report was expected in April 2017.

8. With regard to legacy issues, an interdepartmental committee set up to establish the facts of the State's involvement with the Magdalen Laundries had concluded that the State had no liability in the matter. A State apology had nonetheless been issued and more than €25 million had been paid in compensation to 669 women. Although decisions had been taken on all the applications made to the compensation scheme to date, it would remain open to new applications. The commission set up in February 2015 to investigate Mother and Baby Homes was to report on its findings, which would be made public, within a three-year period. Three independent investigations had been conducted into the practice of symphysiotomy, and an ex-gratia payment scheme had been established, which had granted fair redress to 399 women. Studies indicated that symphysiotomy was not prohibited internationally; it had a place in obstetrics in certain limited circumstances. Ongoing medical services were provided to women who had undergone the procedure.

9. Education was recognized as having a transformative effect on women's lives. Girls accounted for 50 per cent of students at the secondary and tertiary levels; some 95 per cent of girls between 15 and 19 years old were in full-time education. In recent years, more female secondary-school students had taken higher-level mathematics examinations, and higher education institutions had committed to advancing women's careers in science, technology, engineering, mathematics and medicine.

10. Regarding the particular needs of women prisoners, a call for tender had been issued for the establishment of a step-down facility for female offenders in Dublin, to facilitate their transition from custody to the community. Plans for the modernization of Limerick Prison included the expansion of its living quarters for women and the improvement of education, vocational training and visiting facilities.

Articles 1 to 6

11. **Ms. Nadaraia** said that she had noted the State party's affirmation that it did not intend to alter the dualist nature of its legal order, which prevented the automatic incorporation of international law into domestic law. She had also noted its reservations with regard to articles 11, 13 and 16 of the Convention. She wondered whether the Government recognized the gaps in its ratification of international human rights treaties, whether it intended to revise the Constitution to include an explicit provision on gender equality and ensure gender-neutral language throughout, and whether a referendum would be held on the repeal of article 41 (2), which contained an outdated provision on the role of women in the home. Further information on the possibility of an amendment to article 40 (3) (3) regulating abortion would be welcome. Lastly, she asked whether there were any plans to review the statutory exemption in the Equal Status Acts 2000-2015 that precluded legal action against legislative provisions that discriminated against women.

12. **Ms. Schulz** requested clarification with regard to the time frame for the recognition of the ethnicity of Travellers and asked whether the new Traveller and Roma Inclusion Strategy would truly address the most pressing issues faced by women Travellers, especially poverty, since women Travellers often suffered multiple forms of discrimination. She wished to know whether women Travellers would be included in efforts to address any gaps in the Strategy.

13. While acknowledging the State party's efforts to come to terms with its history, she expressed concern that the information received from civil society with regard to legacy issues did not tally with that provided by the Government. She requested further information on the three independent reports on symphysiotomy. The investigation into the Mother and Baby Homes had included a sample of only 14 such homes and had been restricted in scope. She asked whether the terms of reference of the investigations would be broadened to cover all Mother and Baby Homes and to also include the Magdalen Laundries. In the cases relating to the Magdalen Laundries and symphysiotomy, there had been no proper investigations in line with international human rights standards, no criminal prosecutions and no effective remedies. She asked whether the Government intended to mandate proper, timely investigations, in line with international human rights standards, and to grant effective remedies to surviving victims.

14. **Mr. Ó Briain** (Ireland) said that while international treaties had to be broad in scope in order to be relevant to the 193 States Members of the United Nations, Irish domestic law was more specific in nature. A dualist approach would be maintained, with thorough procedures to ensure that domestic legislation was in line with international law. Equality before the law was enshrined in the Constitution, and legislation could not be adopted unless it was consistent with the Government's obligations as a State member of the European Union. Discrimination could be challenged in the domestic and European courts.

15. The national inclusion strategy for Travellers and Roma, which comprised a set of comprehensive, specific actions to address their needs, had been developed through a wide-ranging consultation process with civil society and would be finalized shortly. Measures were being taken to engage with the Traveller community to address complex issues such as Travellers in the education system and the challenges facing Traveller women. While the recognition of Travellers as an ethnic group had no legal or budgetary implications, it was extremely important symbolically as an acknowledgement of the marginalization and oppression that Travellers had faced.

16. **Mr. Hurley** (Ireland) said that the reservation to article 11 of the Convention had been made in view of the gender exemptions under Irish law in respect of the police and prison services and on the basis of privacy and decency concerns with regard to the care of older persons and persons with disabilities in their own homes. As the Government had been advised that its reservation was excessively broad, it was considering the possibility of withdrawing it. The reservation to article 13 concerned the differential treatment of men and women with regard to social security. Although the Deserted Wife's Benefit and Deserted Wife's Allowance had been closed to new applicants in 1997 and superseded by the One-Parent Family Payment, some women continued to receive those allowances as the scheme was being phased out. Under Irish law, child benefits were paid to mothers or stepmothers, rather than fathers or stepfathers. The reservation to article 13 would therefore be maintained. With regard to article 16 on guardianship of children, if a child was born out of wedlock in Ireland the mother was legally recognized as the child's guardian. The father would be recognized as a guardian only if certain cohabitation criteria were met, or with the mother's agreement. The reservation to article 16 would therefore also be maintained.

17. A referendum would be held on article 41 (2) of the Constitution, since its portrayal of women's role in the home was widely considered to be based on a stereotype that no longer correlated with reality. Further consideration was required in order to establish exactly how the article would be amended. While one suggestion had been to broaden the scope of the article to include carers, who should not be obliged by economic necessity to join the labour market, a task force of experts had recommended that the situation of carers should be addressed elsewhere in the Constitution. The question of how to update the language of the Constitution to ensure gender-inclusivity was also being considered.

Proposed revisions to both language versions of the Constitution had been drafted by a parliamentary committee for the Government's consideration.

18. **Ms. Hynes** (Ireland) said that the Commission of Investigation into Mother and Baby Homes had been fully independent. The Commission's terms of reference focused on institutions that could clearly be identified as providing accommodation for mothers and babies, including prenatal and postnatal care, board and lodgings, as well as work, training and education as a means of rehabilitating mothers and preparing them to live independently. The 14 Mother and Baby Homes that met those criteria had been investigated and the Commission had been requested to select and investigate a representative sample of county homes that provided similar services. The Commission's mandate also concerned the relationships between Mother and Baby Homes and other institutions, in particular patterns of referral and cooperation with other intermediary organizations. The Commission was free to report on other matters outside its mandate that it deemed to warrant further investigation in the public interest. The Government had stated its readiness to consider any such reports from the Commission. The Government was therefore satisfied that the Commission's terms of reference provided the requisite balance between inclusivity, specificity and focus to ensure that it could deliver effectively and in a timely manner.

19. **Ms. Prole** (Ireland) said that the ex-gratia Surgical Symphysiotomy Payment Scheme had been established following the publication of two independent reports, as a means of providing reparation to women who had undergone surgical symphysiotomy. Two independent investigations into symphysiotomy had been commissioned. The first had included a national public consultation process with women who had undergone the procedure, members of their families and other interested parties, and had concluded that surgical symphysiotomy had been used in exceptional circumstances of mild to moderate disproportion or obstructed labour, in all major hospitals in the State, irrespective of their religious affiliation. The second review had focused on the legal aspects and had concluded that court proceedings should take place and a payment scheme should be established to provide redress. A third investigation had then been commissioned to report on the implementation of the Payment Scheme. The report of that investigation contained hospital records and documented discussions among the obstetricians involved, which provided a frank and honest record of the reasons for the use of the practice. Contrary to many reports in the media, symphysiotomy did not involve cutting the pelvic bone. The practice of pubiotomy had also been included in the Scheme, but had been found to have been used in only one out of some 600 cases.

20. **Ms. Schulz** asked why it had taken more than 20 years to consider the recognition of Travellers as an ethnic group if such recognition was only of symbolic importance. Regarding the investigation into the Mother and Baby Homes, the fact that the Commission only had scope to investigate the 14 homes that provided education and rehabilitation was particularly worrying, since those homes had been the least damaging. The investigation should cover the worst cases of abuse and should look into the homes in which women had languished and children had been deprived of education, nutrition and health care, in what journalists had described as the "Irish Holocaust". She requested clarification of the Commission's ability to propose the investigation of other issues outside its mandate and, in particular, of whether or not the Government was required to approve such proposals. She expressed particular concern that the testimonies of the women who had been subjected to symphysiotomy were not in line with the medical procedures outlined in the Government-commissioned reports on the matter. It was not clear whether those reports had really brought to light the facts of the cases.

21. **Ms. Baxter** (Ireland) said that, under Irish law, Travellers were protected against discrimination.

22. **Mr. Ó Briain** (Ireland) said that the recognition of Travellers as an ethnic group would contribute greatly to the creation of a platform for engagement between Travellers and the Government. Addressing the challenges facing Travellers would indeed have legal and budgetary implications. The recognition of their ethnicity, however, was a collective issue, not a question of individual rights, and did not have any such implications.

23. **Ms. Hynes** (Ireland) said that there had been no intention to limit the scope of the investigation into the Mother and Baby Homes. The investigation did not include adoption societies or maternity hospitals, but included all homes that were categorized by the State as Mother and Baby Homes.

24. **Ms. Prole** (Ireland) said that international and Irish medical reports stated that symphysiotomy was not a prohibited procedure; it had a place in obstetrics in certain limited circumstances. At the time when the procedure was being used in Ireland, large families had been the norm and multiple caesarean sections had not been advised owing to the high risk of maternal morbidity. The women who had undergone the procedure had been involved in the investigations and all the available facts had been established. The experts conducting the investigations had placed advertisements with a view to meeting the women concerned and had remained contactable by e-mail. The Government believed that the measures taken constituted a fair and balanced approach to bring closure to those cases.

25. **Ms. Nadaraia** asked for an update on the status of the national machinery for the advancement of women, particularly in light of austerity policies that had negatively affected gender and equality budgeting. She asked how gender budgeting was being strengthened to ensure that allocations were consistent with gender mandates and activities. She would be interested to know, in light of the adoption of the new National Women's Strategy, whether the previous Strategy would be evaluated and to what extent the new Strategy would build on the lessons learned. Information on how the Strategy would address the specific needs of disadvantaged women such as Travellers, Roma and migrants would be welcome. Lastly, she asked how the State party intended to improve the collection and analysis of gender-disaggregated data in areas covered by the Convention.

26. **Ms. Nwankwo** said that she welcomed the temporary special measures taken to advance equality between men and women, in particular those focusing on access to employment and women's participation in decision-making. The emphasis on women from marginalized areas had yielded remarkable results. She asked whether those measures would be renewed. Since the 30-per-cent quota for gender balance among political candidates had improved women's representation in the lower house of parliament, she wondered why a similar quota system had not been introduced at the local level and whether the State party intended to rectify that situation. She also wished to know whether any further measures would be taken to promote women's participation, such as civic education, mentoring programmes, childcare and financial support.

27. **Ms. Baxter** (Ireland) said that while the Gender Equality Division of the Department of Justice and Equality was responsible for raising awareness of the Convention, all government bodies worked to promote gender equality, and the Department provided relevant training for staff in all departments. There was renewed commitment to gender and equality proofing and budgeting under the Programme for Partnership Government; the Human Rights and Equality Commission lent its assistance in that regard. A gender impact assessment had been included in all government decisions for many years.

28. **Mr. Ó Briain** (Ireland) said that the Human Rights and Equality Commission, like many other public bodies and civil society organizations, had suffered severe budget cuts during the financial crisis, and funding had not yet returned to pre-crisis levels. However, its budget had increased substantially over the previous two years and its request for additional funding for 2017 had been granted, which would allow it to recruit more staff. It

was hoped that funding for local women's organizations and Travellers' organizations would return to pre-crisis levels by 2018.

29. **Ms. Baxter** (Ireland) said that a committee with both government and civil-society members would review the previous National Women's Strategy and would draw on the findings in developing targets, indicators and time frames for the new Strategy. Consultations in that regard had been held nationwide, with the active participation of Traveller and migrant women and women with disabilities. The Strategy would boost women's leadership in a range of fields, including politics, sports and business. The Equality for Women Measure 2008-2013 had been replaced with a similar measure, and funding was available for women entrepreneurs in many sectors, including agriculture.

30. **Mr. O'Leary** (Ireland) said that a review of the higher education system had resulted in a series of recommendations. The Higher Education Authority had developed a plan to implement those recommendations, and progress in that regard included the introduction of the Athena Scientific Women's Academic Network (SWAN) Charter, which related to women's advancement. From 2019 onward, higher education institutions would need to be accredited under that Charter in order to receive research funding from Science Foundation Ireland, the Irish Research Council and the Health Research Board.

31. **Mr. Hurley** (Ireland) said that while women dominated the junior levels of the civil service, they were in the minority at the senior level. Although fewer women than men applied for senior positions, they enjoyed a better success rate. Research into the reasons behind those trends was being conducted by the Economic and Social Research Institute. The "Women and Men in Ireland" report was due to be published later in 2017.

32. **Ms. Rana** asked what specific steps had been taken to enable non-statutory agencies to access and use data on domestic and sexual violence, given that they worked in closest contact with victims.

33. **Mr. Heylin** (Ireland) said that the police had improved its recording of domestic violence and sex crimes. Data gathering was addressed in the Second National Strategy on Domestic, Sexual and Gender-based Violence, which also provided for a Data Committee and a parallel NGO committee that would engage with State bodies to improve data collection.

34. **Mr. Ó Briain** (Ireland) said that a data-collection methodology was being developed as part of the new National Traveller and Roma Inclusion Strategy. If successful, it could be extended to other groups.

35. **Ms. Halperin-Kaddari** asked what steps had been taken to amend article 41 (2) of the Constitution and to eradicate non-consensual medical interventions used to assign a sex to intersex children. Although the State party's efforts to combat female genital mutilation were commendable, services for victims were provided by only one clinic, located in Dublin, and that situation limited access by girls from asylum-seeking communities, for example. She wished to know whether the national action plan on female genital mutilation that had been drafted by a group of NGOs would be adopted.

36. The apparent lack of understanding of the nature of domestic violence on the part of many State officials, illustrated by one housing officer's remarks that women fleeing domestic violence should not be given priority in housing allocations, indicated a need for improved education and data gathering. Domestic violence must be made a specific crime if the State party wished to ratify the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention). She asked whether the domestic violence bill addressed psychological, emotional and economic abuse; whether it removed the cohabitation requirement for safety orders; and whether the Government had implemented the Law Reform Commission's recommendation that

legislation on harassment and the offence of sending threatening and intimidating messages should be extended to the online sphere.

37. **Ms. Nwankwo** asked whether the implementation of the first National Action Plan to Prevent and Combat Trafficking in Human Beings in Ireland 2009-2012 had been evaluated, what the results of any such evaluation had been and whether the challenges encountered in its implementation had been addressed in the new national action plan. After quoting the findings of the 2016 *Trafficking in Persons Report* produced by the Department of State of the United States of America, she asked to what extent the recommendations made in that report had been implemented; how adequate assistance and protection were provided to all victims of trafficking, including the number of State-run shelters, measures to improve the Government's cooperation with NGOs and funding for NGOs providing shelter and services for victims; and whether those measures applied to all victims regardless of nationality and immigration status. She also wished to know whether service providers and other agencies would be involved in victim identification, and what steps had been taken to ensure that migration and asylum policies did not deter women and girls fleeing conflict from seeking asylum lawfully, which would decrease their vulnerability to trafficking and exploitation.

38. **The Chair**, speaking in her capacity as an expert, asked whether research had been carried out on how the Criminal Law (Sexual Offences) Bill, which would criminalize the purchase of sex, would affect sex workers and other groups. What was the prevailing mood in society with regard to that subject? She would welcome clarification of the delegation's comments that the new law would protect victims of sexual violence in criminal proceedings, and she requested information on the financial resources allocated for its implementation. Financial resources should also be granted to programmes that assisted sex workers who wished to leave prostitution.

39. **Ms. Baxter** (Ireland) said that although the Government was committed to removing article 41 (2) from the Constitution, amendments required a national referendum. Asylum seekers could obtain services, including the female genital mutilation clinic, on the same footing as all other women. It was possible that the country's ongoing housing crisis had fuelled the remarks made by the housing official cited by Ms. Halperin-Kaddari.

40. **Mr. Hurley** (Ireland) said that although efforts were made in schools to combat gender stereotypes, ingrained attitudes took time to change and could not be altered immediately through legal measures. There was evidence to suggest that the process of change was already under way. Article 41 (2) of the Constitution had had very little juridical impact in practice, but the Government was nonetheless committed to amending it.

41. **Mr.** Kieran **Smyth** (Ireland) said that the two or three children born with ambiguous genitalia in Ireland each year were normally referred to a children's hospital, where a team of specialists assessed the causes of the ambiguity before deciding on the action to be taken, in line with the best interests of the child and in consultation with the parents, who were advised on the possible risks and benefits. Consent was addressed in accordance with the hospital's protocols. Only medically necessary treatment was carried out, and only when it was unanimously agreed upon by the consultants and parents.

42. The Health Service Executive funded the female genital mutilation clinic, which offered free specialized medical care to victims, including migrants. The Executive had developed recommendations for health professionals caring for victims, and maternity records now recorded whether patients had undergone the practice, thus allowing appropriate care and support to be provided. Female genital mutilation would also be addressed by the National Intercultural Health Strategy.

43. **Mr. Heylin** (Ireland) said that women fleeing domestic violence had always been able to access emergency accommodation, even if they owned property, and the law had

recently been clarified to that effect. Guidelines on housing for victims of domestic violence had been issued in January 2017, and the housing authority planned to engage with local authorities to explain them and ensure their implementation. The Second National Strategy on Domestic, Sexual and Gender-based Violence provided for training on domestic and gender-based violence for State officials, particularly those working in the criminal justice system. In addition to the recording of incidents of domestic violence and sex crimes, statistics on the overall prevalence of domestic and sexual violence were also compiled.

44. While there was no ideological objection to the creation of a specific crime of domestic violence, there were serious legal and practical impediments. For example, it would be impossible to create a definition that encompassed all possible forms of domestic violence, and criminal prosecution could become extremely difficult if all elements of the crime must be proved. Similarly, the very specific nature of what constituted psychological abuse in a particular relationship meant that such abuse was difficult to criminalize.

45. Although protection and safety orders for non-cohabiting couples were not currently provided for in the domestic violence bill, an amendment to that effect was planned. The bill would clarify that the courts' existing power to prohibit offenders from communicating with their victims extended to online and electronic communication. A recent Law Reform Commission report on online harassment contained recommendations for a range of government departments, which were under consideration.

46. **Mr.** Bobby **Smyth** (Ireland) said that the measures taken under the National Action Plan to Prevent and Combat Trafficking in Human Beings in Ireland 2009-2012 had continued since its expiry, and the Plan had been comprehensively reviewed in order to guide the consultation process for the Second National Action Plan to Prevent and Combat Human Trafficking in Ireland. The Second Plan had also been informed by the evaluations of the situation in Ireland carried out by the Council of Europe Group of Experts on Action against Trafficking in Human Beings and the Department of State of the United States of America.

47. The Department of State report had prompted the Anti-Human Trafficking Unit to participate in the European Union-sponsored Hestia project that examined the connection between sham marriages and human trafficking. The project had concluded that there were high numbers of women, particularly from Eastern Europe, who came to Ireland to marry men from outside the European Economic Area in order to circumvent immigration law. Exploitative and violent behaviour had been detected in a minority of those cases, and trafficking had been an aspect of one case.

48. While the Department of State report cited an increase in trafficking for labour exploitation in Ireland, the number of such cases was small and the increase represented only a few additional cases each year. The lack of successful prosecutions for labour exploitation in recent years was a cause for concern, and evaluators from the Council of Europe and the Department of State had recommended that the focus of investigations should shift from the victims to the perpetrators. That recommendation had been implemented, and three cases of labour exploitation had come before the courts in the previous six weeks.

49. As trafficking victims were housed in the same accommodation as asylum seekers, they benefited from those facilities' good geographic distribution and the services that they offered. However, alternative options were being examined under the Second National Action Plan to Prevent and Combat Human Trafficking in Ireland. Funding for NGOs working in the area of trafficking was close to pre-crisis levels, and consideration would be given to the funding of programmes that helped sex workers to leave prostitution.

50. **Mr. Ó Briain** (Ireland) said that article 41 (2) of the Constitution, which dated from 1937, had not hindered the implementation of measures to maximize women's participation in the labour force. There was widespread public support for gender equality, and care would be taken to ensure that the wording of the question posed in the referendum on the article would lead to the desired outcome.

51. The intention of the Criminal Law (Sexual Offences) Bill was to protect vulnerable persons, including trafficked minors. Unlike existing legal provisions, which focused on the public nuisances associated with prostitution, the Bill specifically targeted demand for prostitution and had been guided by advice from the Council of Europe and the European Parliament. Evidence from Sweden and Norway, which had adopted similar measures, indicated that they had become less attractive destinations for prostitution-based trafficking. The Bill would also help to change attitudes towards gender equality. Measures to help those seeking to leave prostitution did not need to be enshrined in legislation, and funding for them was already provided, for example through the State's funding of Ruhama, an NGO.

52. **Ms. Baxter** (Ireland) said that the Bill was the result of the active engagement of civil society in addressing trafficking and prostitution. Other examples included the Turn Off the Red Light campaign, which had shaped public discourse and prompted legislative change.

53. **Ms. Halperin-Kaddari** said that although there were no formal barriers preventing victims of female genital mutilation from gaining access to the specialized clinic, those living in remote areas might lack the financial resources to travel there; she wondered whether there were any plans to provide assistance in that regard. She asked whether the Government would consider removing the requirement for victims to pay a fee for legal aid in cases of domestic violence.

54. **Ms. Schulz** said that the Criminal Law (Sexual Offences) Bill risked conflating trafficking and prostitution. Although the Bill provided for the decriminalization of street prostitution, indoor prostitution remained a crime, and there were reports that 9 per cent of persons arrested for brothel-keeping were sex workers. She asked whether that was the intent behind the Bill and how those who wished to leave prostitution could do so, given that the Bill's harsher penalties could potentially burden them with high levels of debt and a criminal record. She wished to know how the law would be implemented and monitored, how soon it would be reviewed and whether that review would focus on its impact on sex workers' human rights.

55. **Ms. Baxter** (Ireland) said that the Legal Aid Board allocated much of its funding to female victims of domestic violence and routinely waived the legal aid contribution in such cases.

56. **Mr. Ó Briain** (Ireland) said that asylum seekers could obtain funding for travel, including to the female genital mutilation clinic. The review of the Criminal Law (Sexual Offences) Bill would be published three years after enactment and was specifically intended to examine the law's impact on sex workers' human rights, although no such impact was anticipated. Brothel-keeping remained a crime because it was often impossible to establish whether sex workers were working in a brothel voluntarily.

57. **Mr. Heylin** (Ireland) said that the Legal Aid Board could waive or reduce the legal aid contribution if a failure to do so would cause undue hardship, and the guidelines for such decisions provided for a sympathetic approach in cases of domestic violence. In practice, the Board received contributions from very few victims of domestic violence. Cognizant that victims of domestic violence should not be required to pay to request protection measures, the Board was considering whether to propose a review of the financial eligibility criteria for legal aid.

58. **Mr.** Bobby **Smyth** (Ireland) said that the threshold for identifying victims of trafficking was very low, and while the police acted as the gateway for victim services, they cooperated with NGOs in victim identification. If potential victims were reluctant to engage with law enforcement, the police based their assessment on information from NGOs. The identification procedure was being examined in order to formalize the role of NGOs. Once victims had been identified, they benefited from a range of services, including psychological support, legal services and vocational training. Those services were provided primarily by a dedicated anti-trafficking team, supported by NGOs and other State bodies. Trafficking was taken into consideration in the review of asylum applications, and officials dealing with asylum seekers were well trained in identifying potential victims.

Articles 7 to 9

59. **Ms. Nwankwo** said that while the State party's progress in terms of women's participation in some sectors, particularly the judiciary, was commendable, more progress was required in others, including the high courts, the lower house of parliament, ministerial positions, the Permanent Defence Forces and local government. The requirement of at least 40-per-cent representation of each sex on all State boards was largely ignored, and there were no penalties for boards that missed the target. Nevertheless, women had represented more than 40 per cent of those appointed to State boards in recent years, a welcome achievement.

60. She asked whether gender quotas for candidates would be introduced for local elections; what specific steps had been taken to increase and diversify women's participation in decision-making roles on State boards, the boards of publicly listed private companies and at the senior level in the public and private sectors; and how women's participation in conflict prevention, management and resolution in the context of the Northern Ireland peace process was promoted. She wished to know the status of the national strategy that was being developed to promote the participation of Traveller and Roma women in political and public life, what measures were in place to improve their participation in decision-making and whether training and mentoring initiatives existed to address the low participation of minority women.

61. Lastly, she asked what percentage of ambassadors, other international representatives and foreign service staff were women and at what level of the service they were employed, and whether there were any programmes that encouraged women to enter the foreign service and the international civil service.

62. **Ms. Baxter** (Ireland) said that the migrant integration strategy promoted the participation of migrant men and women in political life. The Government was engaging with political parties to encourage migrants to stand as candidates and to vote.

63. **Mr. Hurley** (Ireland) said that action was required to address women's participation in areas where progress had been poor. Although quotas did not apply to local elections, it was hoped that the quotas at the national level would serve as an incentive for parties to encourage women's participation at the local level. Some NGOs provided coaching for women who wished to run for political office, with the involvement of senior political figures, and a cross-party women's caucus had been established in the legislature.

64. Women's participation in State boards had increased to almost 40 per cent since the State party's last interactive dialogue with the Committee. That improvement had resulted from the formalization of the appointment process, including the establishment of a website, www.stateboards.ie, through which candidates could express their interest in vacancies.

The meeting rose at 1 p.m.

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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
Sixty-sixth session

Summary record of the 1475th meeting
Held at the Palais des Nations, Geneva, on Wednesday, 15 February 2017, at 3 p.m.

Chair: Ms. Leinarte

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Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined sixth and seventh periodic reports of Ireland (continued)

This record is subject to correction.

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined sixth and seventh periodic reports of Ireland (continued) (CEDAW/C/IRL/6-7; CEDAW/C/IRL/QPR/6-7)

Articles 7 to 9 (continued)

1. *At the invitation of the Chair, the delegation of Ireland took places at the Committee table.*

2. **Mr. Hurley** (Ireland) said that 6 of the country's 11 Members of the European Parliament were women. Some progress had been made towards increasing the percentage of women on State boards. The issue was likely to be addressed in discussions on the development of the new National Women's Strategy. In 2016, more than twice as many men as women had applied for board positions, but women's applications had been more likely to be successful. Women accounted for 16 per cent of the members of the boards of publicly traded companies, a figure that represented a slight increase from previous years. Ireland supported the proposal for a directive of the European Parliament and of the Council on improving the gender balance among non-executive directors of companies listed on stock exchanges and related measures.

3. **Ms. Feeney** (Ireland) said that the Department of Foreign Affairs and Trade had developed a conflict-prevention policy that was informed by the women and peace and security agenda. In addition, Ireland provided financial support to a range of initiatives to enhance women's participation in the prevention, management and resolution of conflict. Support had also been provided for an inquiry into the low levels of women's participation in post-conflict decision-making in Northern Ireland. Ireland was one of four donor countries to the Global Acceleration Instrument for Women, Peace and Security and Humanitarian Action.

4. Ireland implemented Security Council resolution 1325 (2000) through its National Action Plans on Women, Peace and Security. The second such Plan, for the period up to 2018, had been developed in broad consultation with relevant stakeholders and had a sharper focus on the empowerment of women in conflict resolution and peacebuilding. An 18-member oversight group was responsible for supervising implementation of the Plan. In connection with women in peace operations, it was worth noting that the Irish contingent of the United Nations Disengagement Observer Force, deployed in the Golan Heights, was commanded by Lieutenant Colonel Mary Carroll, the first female officer to head a contingent of Irish Defence Forces on an overseas mission.

5. Information on the number of female diplomatic staff in the Department of Foreign Affairs and Trade was provided in table 28 of the annex to the country's report (CEDAW/C/IRL/6-7). Women had accounted for 61 per cent of the successful candidates in the Department's 2016 recruitment competition. In late 2016, two women and two men had won promotion to the rank of Assistant Secretary, one of the grades from which ambassadors and heads of mission were commonly chosen.

6. The Department was committed to providing a positive work environment, with a focus on dignity, respect and diversity. Its senior management had taken a number of steps in response to a gender equality audit in 2013, and a subcommittee of its management board had been given responsibility for developing a gender equality strategy that took into consideration past discrimination in the Department and the need to restore balance. Article 8 of the Convention provided a useful benchmark for the subcommittee's work, which involved studying best practices in both the private and public sectors and addressing such

issues as work/life balance, the development of family-friendly policies, overseas postings, career development and stereotyping. The gender equality subcommittee reported to the management board twice a year. A gender equality network that sought to increase women's participation in the Department was open to Department officials of all ranks.

7. **Mr. Ó Briain** (Ireland) said that Ireland had a very small Roma population consisting entirely of recent migrants. Funds for Traveller organizations had been reduced in 2007, but efforts were being made to reverse some of those cuts. Steps to encourage Travellers to participate more fully in public life, including by voting and by running for elective office, focused on the provision of support to grass-roots and community development projects.

8. **Ms. Nwankwo** said that she wished to know whether any Roma or Traveller women had been elected to public office under the State party's system of gender quotas for candidate selection and whether the State party had considered introducing quotas for the selection of candidates from specific minority groups. She wondered whether migrant integration strategies also included the country's indigenous Travellers and, if not, whether the authorities had considered including them. In addition, she asked whether the State party was willing to consider expanding the system of gender quotas to local elections, what the key findings of the inquiry into the obstacles to women's participation in the Northern Ireland peace process had been and what the State party had done in response to those findings. Did the State party's funding of NGOs working to promote women's participation in conflict resolution mean that the State party took no direct steps of its own in that regard?

9. **Ms. Baxter** (Ireland) said that the possibility of expanding the gender quota system to include local elections had been discussed during the development of the new National Women's Strategy. There were no plans to include Travellers or Roma in the Migrant Integration Strategy because those groups were the focus of a separate inclusion strategy.

10. **Mr. Ó Briain** (Ireland) said that a Traveller and Roma integration strategy containing a range of measures to address the issues faced by those communities was currently being finalized. A system of quotas for selecting candidates for office from such minority groups as Travellers and Roma would be highly impractical, not least because Travellers and Roma combined accounted for fewer than 45,000 of the country's more than 6 million inhabitants. Travellers were nonetheless encouraged to be active participants in the political life of the country.

11. **Ms. Feeney** (Ireland) said that several of the commitments made as part of the Good Friday Agreement, in particular those relating to the advancement of women, had not been honoured. Only one woman, for instance, had been appointed to the board responsible for overseeing the conversion of Her Majesty's Prison Maze into a peace centre. Photographs of the all-party negotiations of 2014 showed that women were still underrepresented.

12. The inquiry into the position of women in Northern Ireland since the Agreement had focused on gender equality; women's involvement in electoral politics, local communities and decision-making; and violence against women. The summary report on the inquiry could be forwarded to the Committee, if its members so wished.

Articles 10 to 14

13. **Ms. Gbedemah** said that she wished to encourage the State party to sustain, monitor and evaluate the initiatives it had undertaken to increase the number of girls and women studying science, mathematics and related subjects. She asked how educational programmes touching on domestic, sexual and gender-based violence were implemented and how they had been received. In addition, she wished to know how sexism and

stereotyping were monitored in the education system and what steps had been taken to combat them.

14. It would be interesting to know what efforts had been made to introduce a compulsory, comprehensive sex education programme in all schools. She would welcome more information about the Teen Parents Support Programme, such as how many teenagers had taken advantage of it. In the same connection, she wondered how many of the nearly 1,200 girls who had given birth in 2015 had returned to school.

15. She wished to know what efforts the State party had made to make apprenticeships more attractive to girls and what the impact of those efforts had been. In addition, she wondered to what extent Traveller and Roma organizations were involved in the annual updates of action plans for education, whether the State party was considering introducing temporary special measures to meet the specific needs of Travellers and Roma and whether it had any plans to diversify the range of schooling options available to children and their parents. Regarding women in higher education, she asked whether the State party had studied the gender imbalance at the highest academic ranks and, if so, what it had done to address that issue.

16. **Ms. Hayashi** asked whether, in view of the widening gender pay gap in the State party, the Government intended to require employers to report how much they paid male and female staff. In that connection, she wondered what recommendations had been made by the Low Pay Commission to address the preponderance of women in jobs paying the national minimum wage. She also wondered whether the State party intended to improve on the Homemaker's Scheme to alleviate poverty among older women who might have had to leave the workforce to care for a family member or for similar reasons.

17. Additional information on the State party's plans to consolidate maternity, adoptive, parental and carer's leave into a single piece of legislation, the Family Leave Bill, would also be welcome. It would be interesting to know, for example, whether part-time, temporary and casual workers would be eligible for leave. She wondered whether the State party's investment in affordable childcare included funding for personnel, given that care providers' pay levels tended to be low. In addition, she wished to know what efforts the State party had made to encourage men and women to share childcare duties more equally.

18. **Ms. Schulz** said that the decriminalization of travel abroad for the purpose of obtaining an abortion was a welcome development. She wondered, however, whether that measure had given the Irish authorities an excuse not to assume responsibility for the country's highly restrictive abortion laws. In that connection, she wished to know what the Government intended to do when the Citizens' Assembly presented its upcoming report on the eighth amendment to the Irish Constitution, which banned abortion in all but very limited circumstances. She also asked what roles the relevant parliamentary committee and a possible white paper would play and whether such a white paper would delay initiatives to put the issue before the people.

19. She enquired whether the Government would organize a referendum on repealing the eighth amendment if such a referendum was called for by the Citizens' Assembly and, if so, in what time frame. She also asked whether the Government would organize such a referendum even if it was not called for by the Citizens' Assembly. It would be interesting to know whether the Protection of Life During Pregnancy Act 2013 would be repealed if voters approved the repeal of the eighth amendment in a referendum and whether the drafters of any new abortion law would draw on the lessons learned from the implementation of that Act. In brief, she wished to know whether any new law would ensure the reproductive rights and autonomy of women and girls, in line with international human rights standards.

20. She asked whether the State party would consider amending the current policy stipulating that three births should take place every 24 hours on labour wards; whether the new resources to be allocated to the health service would be sufficient to ensure that the rhythm of each birth was respected; whether medical staff would receive training that would enable them to cease using the various interventions currently carried out to speed up births, and the blanket consent forms currently in use; and whether midwives would be trained to perform deliveries at home.

21. **Mr. O'Leary** (Ireland) said that the Education Act of 1998 required schools to promote equality of opportunity and outcome for male and female students and to be inclusive places where diversity was acknowledged, valued and accommodated. The social, personal and health education curriculum provided a framework for schools to examine questions of gender equality and gender stereotyping. That curriculum stipulated that books and other educational materials should be free from gender bias and that gender equality should be promoted at all levels.

22. The primary school curriculum recognized that stereotyped expectations of gender roles inhibited children's educational achievement. Anti-bullying procedures for primary and post-primary schools ensured that schools were committed to promoting gender equality. As part of the roll-out of the Access and Inclusion Model in early childhood education, equality and diversity training, which included training in gender equality, was delivered to all early-years practitioners. The inspectorate of the Department of Education and Skills regularly monitored the delivery of the social, personal and health education curriculum.

23. Schools delivered sexual and reproductive health education through relationship and sexuality education, which was mandatory at the primary school level and for the first three years and the senior cycle of post-primary education. Relationship and sexuality education was structured around three themes: human growth and development, human sexuality and human relationships. To promote the implementation of the social, personal and health education curriculum, including relationship and sexuality education, the Department of Education and Skills provided guidelines and teaching materials for schools and a continuing professional development programme for teachers. In addition, the curriculum in that area could be supplemented by visits from external speakers and agencies.

24. The Department of Education and Skills made home tuition available to girls who were unable to attend school for reasons related to maternity. That scheme enabled students who were parents or guardians of children to employ a tutor for up to nine hours per week. For the 2016/17 school year, the scheme had been made more flexible, giving girls up to six months in which to take a total allocation of 90 hours of tuition.

25. Traditionally, most apprenticeships had been taken up by men. Following a review of the apprenticeship system in 2014, an Apprenticeship Council had been set up to oversee the expansion of the system into a range of new areas of the economy.

26. The action plan for education had been drafted in consultation with a broad range of stakeholders. The Government had undertaken to increase the number of multi-denominational and non-denominational schools to 400 by 2030, and the Higher Education Authority was taking steps to improve gender balance in higher education establishments. The admission to schools bill of 2016 was currently being considered by the parliament; one of the issues being debated was whether preferential treatment should be given to the children of former pupils.

27. **Mr. Ó Briain** (Ireland) said that temporary special measures for the retention of Traveller children in schools would be introduced as part of a new strategy.

28. Since September 2016, fathers had been entitled to take two weeks' paternity leave under legislation that would be consolidated by the Family Leave Bill. The primary purpose of the Bill was to enable the Government to fulfil its commitment to provide one year's paid leave during the first year of a child's life. As the question of exactly how maternity and paternity leave should be allocated was still under consideration, the Government would welcome the Committee's recommendations in that regard. Part-time employees were entitled to receive paid parental leave.

29. **Ms. O'Sullivan** (Ireland) said that the gender poverty gap among persons over 65 was narrower than the average for the European Union. The gender poverty gap was wider in many countries that had narrower gender pension gaps, which indicated that poverty was not always the result of factors related to pensions.

30. The contributory pension system was based on the number of contributions made by the recipient. There was also an alternative, non-contributory system that was subject to a means test. When payments available to widows, widowers and survivors of civil partnerships were taken into account, the amounts received by pensioners were almost equal for men and women. At the end of 2016, 46 per cent of the 874 pensioners in receipt of the full contributory pension were women.

31. Women over 66 who were in receipt of the non-contributory pension received an average payment of around 208 euros, while those in receipt of a widow's contributory pension received an average of around 216 euros. The average pension paid to men over 66 by the Department of Social Protection was only 2 per cent higher than that paid to women. The Government was considering whether to make pension entitlements dependent on total contributions rather than yearly averages. If such a change was implemented, it would be necessary to introduce an alternative means of ensuring that pensions under the Homemaker's Scheme were not adversely affected.

32. **Ms. Luddy** (Ireland), responding to the questions asked about the issue of abortion, said that the report to be issued by the Citizens' Assembly in June would be submitted to a parliamentary subcommittee and would then be referred to the parliament. If a decision was taken to draft a white paper on the issue, that paper would probably be drafted by the Department of Health. If the parliament decided to hold a referendum on whether to repeal or amend the eighth amendment to the Constitution, a corresponding bill would have to be drafted and the wording of the question to be asked in the referendum would have to be established. The delegation was not in a position to state whether the Government would hold a referendum in the absence of a recommendation by the parliament.

33. **Ms. Baxter** (Ireland) said that the Government was committed to taking measures to reduce the gender pay gap under the Programme for Partnership Government. One such measure, which was currently being considered, would oblige companies to carry out wage surveys.

34. **Ms. Halperin-Kaddari** said that she wished to know what plans were in place to amend regulations that allowed pharmacists to refuse to provide emergency contraception on grounds of conscientious objection.

35. **Ms. Gbedemah** said that it was still not clear whether penalties had been imposed in any cases involving sexism in educational establishments or whether any young fathers had taken advantage of the Teen Parents Support Programme. Noting that 1,187 girl students had become pregnant in 2015, she asked why such a small number of those students had received a tuition grant under the Teen Parents Support Programme. Noting also the plans to establish 400 non-denominational schools, she asked the delegation to specify the total number of schools in the country. Lastly, she asked what measures had been adopted to study the problem of attrition among teaching staff in higher education and whether plans

were in place to amend the residency requirement that prevented some students from taking advantage of the Free Fees Initiative.

36. **Ms. Manalo** said that she wished to know whether any schools or universities in the State party offered courses that prepared students for careers in the diplomatic service. She asked the delegation to specify the percentages of men and women employed in the diplomatic corps and wondered what steps were being taken to ensure gender balance in that regard.

37. **Ms. Hayashi** said that she wished to know whether the State party had amended any of its national laws following its ratification of the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189). She asked whether the Minister for Jobs, Enterprise and Innovation had considered creating work permits for domestic workers, whether the State party acknowledged that women and girls working as au pairs were vulnerable to exploitation and, if so, what steps were being taken to tackle that problem.

38. **Ms. Schulz** said that she would welcome some indication of the content of the legislation that the Government might draft in the event that a referendum led to the repeal of the eighth amendment.

39. **Ms. Baxter** (Ireland) said that information on the percentages of male and female diplomats had been included in the report submitted to the Committee.

40. **Mr. Smyth** (Ireland) said that no restrictions were placed on the availability of condoms and that emergency contraception was available, over the counter, to all holders of medical cards. The delegation was unaware of any case in which a pharmacist had refused to provide contraception on grounds of conscience. In accordance with the code of conduct for pharmacists, members of the profession were required to take reasonable actions to ensure that medical services were provided and that patient care was not jeopardized.

41. **Ms. Luddy** (Ireland) said that if a referendum was held on repealing the eighth amendment, the Protection of Life During Pregnancy Act 2013 and other relevant legislation would have to be reviewed.

42. **Ms. Feeney** (Ireland) said that the Irish diplomatic service was a career service whose members did not include political appointees. No specialized academy existed to train career diplomats. Recruitment to the diplomatic service was organized by the Public Appointments Service on the basis of competitive examinations. Outreach programmes, a youth delegate programme and internships had been established to encourage young people to consider a career in the diplomatic service.

43. **Mr. O'Leary** (Ireland) said that the residency requirement associated with the Free Fees Initiative was consistent with the recommendations of the independent Working Group set up by the Irish Government to report on improvements to the protection process. The pilot support scheme for asylum seekers had been reviewed in 2016 and would be reviewed again in 2017. The International Protection Act 2015 modified the regulations governing the entry into Ireland of persons in need of international protection, and its implementation would reduce the need for the pilot support scheme.

44. Acknowledging that a gender imbalance existed at senior levels in higher education establishments, he said that steps would be taken to address that imbalance. As to the total number of schools in Ireland, he said that there were 3,200 primary schools and around 800 post-primary schools. Given that most primary schools were under some form of religious patronage, the establishment of 400 non-denominational and multi-denominational schools would represent a significant increase in the availability of such schools.

45. The relatively low number of girls and women who had taken advantage of the Teen Parents Support Programme was explained in part by the fact that the figures did not

include teenage mothers aged 16 years and older, who were not obliged by law to attend school.

46. In order for penalties to be imposed in cases involving sexism in educational institutions, the victim and his or her parents would need to take action under the Equality Act 2004. Reports issued by the school inspectorate would also draw attention to any shortcomings in the area of gender equality.

47. **Ms. Schulz** said that the implementation of European Parliament and Council directive 2004/38/EC on the freedom of movement and residence, and the habitual residence condition, appeared to deprive Roma and other migrant women of the right to employment, social benefits and various other protections that would normally be available to European Union citizens. Those restrictions were the consequence of the State party's failure to take sufficient account of the specific housing situation of Roma women and other factors such as the language barrier. She wished to know whether the State party would consider reviewing the application of the legislation in question, in consultation with Roma and other migrant associations. She also asked whether the State party would cease to make child benefit payments contingent on the fulfilment of the habitual residence condition, as recommended by the Committee on the Rights of the Child in 2016 (CRC/C/IRL/CO/3-4, para. 70 (f)).

48. Noting that the 2014-2020 Rural Development Programme did not address the gender imbalance in farm ownership, she asked whether the midterm review of the Programme would incorporate a strong gender perspective and address, inter alia, the barriers that prevented women from going into farming and owning land. She wished to know how the delivery of health and well-being programmes in rural areas specifically targeted rural women living in poverty and isolation. Would the State party establish local transport schemes in rural areas to improve women's access to employment, education, training and childcare and health-care services?

49. She asked whether women refugees and asylum seekers living in direct provision centres were permitted to work before their asylum application processes were complete; whether plans were in place to increase the relatively low weekly allowance paid to such women; and whether counselling services were provided to women who were victims of gender-based violence, including harassment.

50. The number of women sentenced to prison had increased significantly. Furthermore, a large number of women were being held on remand, disproportionate numbers of Traveller women had been incarcerated, women's prisons suffered from overcrowding and a high proportion of women in prison were there because they had failed to pay court-ordered fines. She asked the delegation to explain the discrepancy between the information provided by the delegation on women imprisoned for non-payment of fines and the statistics available from other sources.

51. She asked whether the State party planned to impose more non-custodial sentences and fewer short prison sentences, which had proved to be ineffective. Noting that many Traveller women were incarcerated for poverty-related offences, she asked why such problems were not being addressed by a global strategy instead of the conflict management and resolution approach mentioned in the report (CEDAW/C/IRL/6-7, para. 267). Lastly, she asked what steps were being taken to address the lack of resources available to women with addictions; how the State party helped women leaving prison to find adequate housing, employment and support; and when the open prison for women would be established.

52. **Ms. Baxter** (Ireland) said, with respect to farm ownership, that the Department of Agriculture had implemented an initiative to encourage farmers to set up companies that were jointly owned by men and women. As farmers were often reluctant to engage in that initiative, the Department was considering various ways of making it more effective.

53. Refugee women had the right to work from the moment they arrived in Ireland. The new International Protection Act was aimed at reducing the time taken to process asylum applications.

54. **Ms. O'Sullivan** (Ireland) said that individuals' entitlement to social welfare depended on a number of conditions, including the length of time spent working in Ireland and whether the person had previously worked in a European Union member State. Individuals who did not qualify for social insurance payments could apply for social assistance payments, which were subject to means tests and other criteria, including the habitual residence condition. The case law of the European Court of Justice showed that habitual residence was a concept in use across the European Union, and the relevant provisions of Irish law were consistent with that Court's jurisprudence. No minimum period of residence was required for a person to be considered habitually resident. Individuals who were dissatisfied with a decision issued in respect of their habitual resident status could apply to the independent Social Welfare Appeals Office for redress.

55. **Mr. Hurley** (Ireland) said that the Committee's comments on farm ownership would be brought to the attention of the Department of Agriculture. It should be pointed out that women accounted for a significant proportion of those who had benefited from the Rural Development Programme that had ended in 2015.

56. **Mr. Smyth** (Ireland) said that the Government was committed to ensuring that patients throughout the country, including in remote rural areas, had access to medical services and could be treated as close to their homes as possible. In 2016, the implementation of an enhanced support framework for general practitioners had significantly increased their numbers.

57. **Mr. Dowling** (Ireland) said that, while the number of women in prison had indeed risen, some of them were incarcerated for very short periods of time. At the end of 2016, only one of the 119 women in prison had been incarcerated for failing to pay a court-ordered fine. A joint working group composed of members of the prison and probation services had considered the proposal to establish an open prison and had concluded that a step-down facility for women would be more practical and cost-effective. A tendering process for such a facility had been launched.

58. Amendments had been made to legislation with a view to reducing the number of custodial sentences. For instance, the Criminal Justice (Community Service) (Amendment) Act 2011 required sentencing judges to consider community service in cases where the applicable custodial sentence was 12 months or less.

59. A State-funded initiative for women Travellers in prison was aimed, inter alia, at building a knowledge base concerning Travellers in prison, increasing their access to prison-based services and strengthening support for their families. A housing action plan established by the Government included two specific commitments to address the housing needs of women leaving prison.

60. **Mr. Ó Briain** (Ireland) said that, as European Union citizens, members of the Roma community had the same access to employment as Irish citizens. The habitual residence condition was fully in compliance with European Union law and international human rights law. While the language barrier might make it difficult for Roma to prove that they met the habitual residence requirement, the Government was working to make the administrative processes more accessible to all.

Articles 15 and 16

61. **Ms. Halperin-Kaddari** said that a recent policy change concerning single-parent welfare support had led to a dramatic decrease in child-support payments and a rise in

poverty levels among single mothers. As of 2015, recipients of the Jobseeker's Transitional Payment were no longer under any legal obligation to contribute to the maintenance of their children unless a pre-existing court order had been issued. Furthermore, single mothers who applied for the Jobseeker's Transitional Payment were told that they must first seek maintenance from their former spouse or partner, even in cases involving domestic violence, and would face a weekly financial penalty if they failed to do so. She asked whether the Department of Social Protection planned to abolish that requirement and amend the regulations.

62. To the Committee's knowledge, the Government had not established a statutory maintenance authority and there were no guidelines on the amounts to be paid for child support. Decisions on child support payments were left to the discretion of judges, which increased the likelihood that the parties involved would resort to litigation. She asked how the Government ensured that adequate maintenance was awarded, what procedure was followed when fathers refused to pay, and whether the Government planned to set up a statutory maintenance authority.

63. The Family Home Protection Act 1976 established a highly elaborate mechanism for periodic post-divorce spousal payments that attempted to compensate for situations in which marital property was not shared. However, data on increased poverty levels among women cast doubt on the effectiveness of the legal framework. She asked whether legislation governing marital property adequately safeguarded women's rights following divorce or separation; whether the Government had studied the economic consequences of family breakdown for men, women and children; and whether it would consider reforming the current system.

64. **Ms. O'Sullivan** (Ireland) said that when an individual ceased to receive the one-parent family payment and the Department of Social Protection arranged for contributions to be made by the other parent, the Department made it clear to the parties involved that any existing maintenance payment should remain in place. Current guidelines did not require single mothers to contact abusive former partners as a condition of eligibility for the Jobseeker's Transitional Payment. Procedures were in place to ensure that single parents could still receive social payments even if they did not know the address of the other parent.

65. **Mr. Hurley** (Ireland) said that the delegation acknowledged that decisions concerning divorce and separation depended on the discretion of individual judges. The Committee's remarks about the need to study the economic consequences of family breakdown would be brought to the attention of the relevant government department.

66. **Ms. Baxter** (Ireland) said that, under existing legislation, women retained the family home following separation or divorce in the majority of cases. Although decisions concerning divorce and separation depended on the discretion of judges, extensive training was provided to the judiciary in that regard.

67. **Ms. Halperin-Kaddari** said that she wished to know whether a mechanism existed to ensure that the State paid child support to mothers whose former partners refused to make contributions.

68. **Ms. Baxter** (Ireland) said that, although no such mechanism existed, the courts could issue enforcement orders to ensure that maintenance was paid by the individuals concerned.

69. **The Chair**, thanking the delegation for the constructive dialogue, which had provided further insight into the situation of women in Ireland, said that the Committee commended the State party on its efforts and encouraged it to take all the measures necessary to give effect to the Committee's recommendations.

The meeting rose at 5.10 p.m.

United Nations CEDAW/C/SR.1476

Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
Sixty-sixth session

Summary record of the 1476th meeting
Held at the Palais des Nations, Geneva, on Thursday, 16 February 2017, at 10 a.m.

Chair: Ms. Leinarte

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Sixth periodic report of Jordan

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Sixth periodic report of Jordan (CEDAW/C/JOR/6; CEDAW/C/JOR/Q/6 and Add.1)

1. *At the invitation of the Chair, the delegation of Jordan took places at the Committee table.*

2. **Ms. Majali** (Jordan), introducing the sixth periodic report of Jordan (CEDAW/C/JOR/6), said that the report had been drafted by the Jordanian National Commission for Women, which had held a number of workshops and worked closely with all relevant stakeholders, including civil society organizations, before submitting it to the authorities. The report had provided an opportunity for a national discussion and a thorough evaluation of the progress made during the reporting period on implementing the Convention and made it possible to identify areas where there was room for improvement. However, the insecurity and humanitarian crises that dominated the region, particularly in neighbouring countries such as the Syrian Arab Republic, presented significant challenges to maintaining the pace of progress. Almost seven years had passed since the start of the Syrian crisis and there seemed to be no end in sight. As a direct result, Jordan, one of the world's most water scarce countries, was now also home to one of the world's largest refugee populations. Some 1.4 million Syrian refugees had sought refuge in Jordan, the majority of whom were women and school-age children. In addition, Jordan, already host to a significant proportion of the world's Palestinian refugees, had welcomed an additional 16,000 Palestinian refugees from the Syrian Arab Republic and had opened its doors to refugees from other countries affected by conflict in the region, such as Iraq and Yemen. Such an influx was a heavy burden which, coupled with other factors, was affecting the development and provision of basic services. Insecurity was also a major issue: a large armed presence had had to be deployed along the country's border in order to ward off the constant threat of terrorist attack and transnational crime. In fact, in June 2016, six border guards had been killed and 14 injured following a terrorist incident.

3. Despite the enormity of the regional pressures it faced, the Government had managed to ensure that its programme of development and reform stayed on track. A high priority was given to promoting and protecting human rights, in particular women's rights, and Jordan was committed to meeting its international commitments, including those made under the Convention and Sustainable Development Goal 5 on gender equality and the empowerment of women and girls.

4. There had been several important legislative and constitutional developments in recent years aimed at strengthening gender equality and women's empowerment. By way of example, amendments to the laws on retirement from the military and social security had put women on an equal footing with men when it came to pension entitlements. The family was the cornerstone of society, as was reflected in the legal protections afforded to mothers, children and older persons. The legal provision preventing a woman from travelling without the consent of her husband had been repealed, and a law on the establishment of family reconciliation and mediation offices had been introduced with a view to helping families to settle their disputes amicably. Eight such offices had already been set up under the sharia courts around the country and there were plans for more offices to be opened to cover all parts of the country.

5. A bill on domestic violence that sought to safeguard rights and protect victims was under consideration. Provision had been made under the bill for various penalties for offenders, including non-custodial penalties such as community service, and rehabilitation services for both victims and perpetrators. Similarly, in response to campaigns by women's

rights organizations, certain legislative amendments had been introduced to ensure that women's shelters were able to provide effective services to support and protect women victims of violence, including those subjected to sexual violence or at risk of so-called honour killings.

6. Efforts had been made to encourage more women to take up positions of economic leadership and ensure greater transparency and fairness in the recruitment process. Gender equality had also been integrated into many national plans of action, and an emphasis had been placed on ensuring that data related to the 2017 budget was disaggregated by gender. A social and economic plan for 2015 had also contained a target to promote the economic and social empowerment of women. Moreover, national plans and strategies related to women had been harmonized with the Sustainable Development Goals, paving the way for women to play an important part in the economy and to gain access to the labour market without discrimination.

7. There had been changes to the law that had allowed for greater political representation of women in political and public life. Indeed, for the first time in Jordanian history, 20 women had won parliamentary seats at the ballot box, which meant that women now represented 15 per cent of members of Parliament. Moreover, 47 out of 350 governorate council seats had been reserved for women candidates; a ministerial committee on gender equality and women's empowerment had been formed; and there were now two women Government ministers. State departments with low women's representation had been instructed to conduct analyses to identify the root causes and to develop programmes to improve the gender balance. The Government had adopted a national human rights plan that contained specific goals aimed at enabling women to exercise their rights in respect of access to justice and equal opportunities. To that end, work was under way to review and verify the application of all relevant legislation with a view to proposing the necessary amendments.

8. Regarding the judiciary, women's representation had increased from 6 per cent in 2008 to 18 per cent in 2014. There were currently 189 women judges in Jordan, and women were increasingly occupying high-level positions in the justice system. In the area of diplomacy, women accounted for 11 per cent of ambassadors and 18 per cent of diplomatic officials, many of whom held middle management posts.

Articles 1 to 6

9. **Ms. Haidar** said that she wished to commend the State party on the introduction of various laws and amendments aimed at promoting women's rights and the fact that the National Centre for Human Rights had been granted full independence in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles) and had received increased budgetary resources. That said, she wished to draw the delegation's attention to the recommendations made by the Committee in its previous concluding observations (CEDAW/C/JOR/CO/5), namely to introduce comprehensive non-discrimination legislation and amend article 6 of the Constitution on guarantees of equality to include a specific reference to sex and gender. In the absence of the implementation of those recommendations, the State party was not fully meeting its obligations under articles 1 and 2 of the Convention. In fact, according to the World Economic Forum Global Gender Gap Index, the gender pay gap in Jordan had significantly widened in recent years, with the country ranking 134 out of 144 countries in 2016. Noting that the State party continued to maintain its reservations to articles 9 (2) and 16 of the Convention, she called on it to consider the example of other Islamic countries that had found ways to withdraw theirs.

10. Acknowledging the part played by Jordan in welcoming refugees and asylum seekers, she said that she would be interested to hear the delegation's comments on reports

that Palestinian women refugees fleeing the Syrian Arab Republic were treated differently from Syrian women refugees, in particular that they were living in centres where the full range of basic services were lacking and that they were subjected to forced repatriation. Any information on specific measures taken in relation to the thousands of Palestinian refugees in the country would also be welcome. She wondered whether the State party's national plan to implement United Nations Security Council resolution 1325 (2000) on women and peace and security had been adopted and how involved civil society organizations were likely to be in its implementation. She would be interested to hear more about how the Government intended to carry out the resolution.

11. **Mr. Tawalbeh** (Jordan) said that, in spite of the burden of coping with massive influxes of refugees and asylum seekers from the Syrian Arab Republic, Jordan had spared no effort in ensuring that they had access to critical services, such as health care, shelter, education and rehabilitation, without any discrimination. Moreover, Jordan had been the first country in the world to provide refugees with access to legal aid. Legal assistance offices had been set up in refugee camps and host communities and offered services that were equal to those enjoyed by Jordanian citizens. As to Palestinian women refugees, while it was possible that instances of discrimination might have occurred, such cases were rare and were certainly not part of any official policy. The Government was doing all it could to provide refugee women with access to comprehensive services irrespective of their nationality, country of origin or other factors.

12. **Ms. Nims** (Jordan) said that it was important to highlight the major role played by civil society organizations in furthering the promotion and protection of women's rights and ending discrimination against women in Jordan. In conjunction with civil society, the Jordanian National Commission for Women was working tirelessly to encourage the parliament to adopt more women-friendly legislation and to repeal discriminatory laws.

13. Besides the regional challenges already described, traditional cultural patterns had also contributed to the slow progress made in Jordan over the past four years on the advancement of women. That being said, various plans aimed at promoting women's rights and protecting women refugees from gender-based violence had been approved. For example, in respect of Security Council resolution 1325 (2000), a number of plans had been adopted with the aim of promoting women's roles in peacekeeping, peace negotiations and the military. Moreover, as part of efforts to implement Security Council resolution 1325 (2000), the Commission was working closely with civil society organizations on allocating the funding provided by the Global Acceleration Instrument for Women, Peace and Security and Humanitarian Action.

14. **Ms. Majali** (Jordan) said that Jordan had a long history of opening its doors to refugees, in particular Palestinian refugees, to whom it awarded citizenship when other countries had not even granted them the right to work. Jordan did not discriminate against refugees. Services were provided to them by the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) and by Jordanian public institutions, and the Government had bridged the UNRWA funding gap, providing up to 1 billion Jordanian dinars to ensure the uninterrupted provision of health, social and other basic services. In that regard, the Government of Jordan called on the international community to increase its financial support to UNRWA, since it was in dire need of funding.

15. As to the country's reservations to articles 9 (2) and 16 of the Convention, there were no plans to withdraw them for the time being. Furthermore, in the light of the fact that the Constitution already provided for the full range of political and legal protections and made no distinction between women and men, additional non-discrimination legislation was neither required nor envisaged at the current time.

16. **Ms. Haidar** said that, while the State party was to be commended for its adoption of a number of complaints mechanisms, she wished to know what measures had been taken to ensure access to justice not just in the capital but in all governorates, whether the delegation could provide more accurate statistical data on access to justice, whether there were human rights branch offices nationwide and whether training activities for the judiciary and the police were being undertaken throughout the country.

17. **Ms. Patten**, noting that many of the Committee's previous recommendations had yet to be implemented in part due to the unique challenges affecting the State party, said that she wondered whether the Government would consider adopting a national plan of action to implement the Committee's forthcoming recommendations. That approach had been used by other States parties to good effect.

18. She noted with satisfaction that the State party had endorsed the recommendations set out in the global study on the implementation of Security Council resolution 1325 (2000), entitled *Preventing Conflict, Transforming Justice, Securing the Peace*, and wished to know to what extent the Government was ensuring that sufficient funding would be allocated not only for the implementation of its national plan to implement Security Council resolution 1325 (2000) but also for civil society and women's rights organizations working in that field. Lastly, the State party's reservations to articles 9 (2) and 16 of the Convention were no impediment to its ratifying the Optional Protocol to the Convention. Moreover, acceding to the Optional Protocol would be a clear demonstration of the Government's commitment to promoting gender equality.

19. **Ms. Gabr**, referring to the Committee's previous concluding observations, said that she wished to know whether the State party had looked to the experiences and best practices of other countries in the region and members of the Organization of Islamic Cooperation with a view to reviewing and evaluating its laws to better meet its obligations under the Convention.

20. **Ms. Nims** (Jordan) said that her Government and the relevant stakeholders were working together to finalize the national plan to implement Security Council resolution 1325 (2000) and that the funding required was being negotiated. Jordan had an established peacekeeping tradition and had played a leading role in ensuring women's involvement in that field. In that connection, the Jordanian National Commission for Women worked in cooperation with the Jordanian security forces to assess women's representation in the military, increase women's participation in efforts to promote peace and security and ensure that Security Council resolution 1325 (2000) was implemented. The importance of civil society organizations' involvement in that area could not be underestimated.

21. **Mr. Tawalbeh** (Jordan) said that the Government was committed to guaranteeing access to justice for all and that there was no discrimination on the grounds of age or gender. Although the influx of refugees from the Syrian Arab Republic had presented a number of challenges, the country had successfully tackled many of the issues facing it, and it was hoped that further progress could be made over time. A bill on establishing a national human rights institution was currently before the parliament. Once approved, there were plans to open branches of that institution nationwide to allow citizens to gain access to justice without being forced to travel to Amman. The National Centre for Human Rights had also adopted other positive measures, such as the establishment of liaison units in each governorate.

22. The concluding observations of the Committee were taken very seriously by the Government. The national human rights plan, for example, incorporated the recommendations of a number of United Nations treaty bodies, with particular attention being paid to those of the Committee on the Elimination of Discrimination against Women. Lastly, there were no immediate plans to ratify the Optional Protocol, since Jordan already

had a comprehensive legal system in place that ensured full respect for the broad range of human rights and for women's issues.

23. **Ms. Majali** (Jordan), responding to a question raised by Ms. Patten, said that various national mechanisms met regularly to discuss follow-up to the issues raised and recommendations made by the United Nations treaty bodies. In fact, the national human rights plan had been formulated directly on the basis of such discussions. One of the pillars of that plan was the protection and promotion of women's rights, gender equality and equal opportunities through legislative amendments aimed at boosting women's participation in public and private life and protecting their role in the family and society. Plans, programmes and institutions underwent an assessment with a view to ensuring that they were in full compliance with the Convention and other international treaties and that all public authorities upheld women's rights.

24. **Ms. Nadaraia**, referring to the Committee's previous concluding observations, in which it had recommended that the State party should strengthen the Jordanian National Commission for Women, said that she wished to know whether the Government had now provided the Commission with the human, financial and technical resources required to fulfil its remit throughout the State party, whether there were any plans to provide the Commission with further support, strengthen its authority and perhaps even grant it direct executive powers and what concrete steps were being taken to ensure that its work covered disadvantaged groups of women, including women refugees and women with disabilities. She would also welcome clarification on the role played by the Commission in the implementation of the National Strategy for Women for the period 2013-2017, which was now in the process of being updated to include Sustainable Development Goal 5. She would welcome information on whether the updated Strategy would include a more results-orientated approach, incorporating indicators, benchmarks, timelines and monitoring mechanisms. Additional information on the mandate of the women's liaison and empowerment unit of the All Jordan Youth Commission established under the King Abdullah II Fund for Development would also be appreciated.

25. **Ms. Acosta Vargas** said that she would be interested to hear about the State party's position on the use of temporary special measures, which were helpful in changing deep-rooted discriminatory social attitudes and reducing gender inequality. She wondered whether the Government was considering the use of such measures to ensure that women had greater access to cultural, economic and political life and occupied positions of leadership in Jordan.

26. **Ms. Nims** (Jordan) said that the funding made available to the Jordanian National Commission for Women had been increased in 2016 and, for the first time, now exceeded US$ 1 million. It neither had nor sought to have executive powers and worked instead to shape public opinion and raise awareness of discrimination against women. It cooperated with the Government to develop a strategy for the implementation of initiatives relating to women's issues. The strategy was based on an evaluation of objectives set for the advancement of women's rights at the international level, including the Millennium Development Goals and the Beijing Declaration and Platform for Action. To address the shortfalls that had been identified, 17 sectoral committees had been set up to address specific areas of concern, and civil society had been mobilized. The National Commission served to ensure coordination and avoid duplicating efforts. For each objective, development indicators were devised to enable effective monitoring. Progress had been made, and cooperation with United Nations entities, in particular those focused on women's empowerment, would continue. The objectives for the advancement of women's rights would be discussed at a workshop involving civil society organizations in March 2017.

27. The Sustainable Development Goals represented a further opportunity for progress. In addition, measures had been taken to improve the participation of women in politics. In

the workplace, approximately 500 Jordanian women occupying middle management positions had been given training to increase their chances of obtaining decision-making positions. It was important to adopt a cross-sectoral approach to address cultural attitudes regarding gender roles. Jordanian women had joined the labour market in the 1950s, but cultural attitudes concerning the role of women in the family had not changed. For that reason, efforts were being made to create a supportive environment for women in the workplace.

28. **Ms. Haidar** asked whether the Jordanian National Commission for Women would not be more effective if it had executive powers.

29. **Ms. Nims** (Jordan) said that, since its establishment, the objective of the Jordanian National Commission for Women had been to influence policymaking. While there had previously been attempts to establish a ministry for women, and consideration had been given to the possibility of seeking executive powers, it was the view of the board of the National Commission that it was preferable for it to remain semi-independent, as such a position made it possible to challenge the Government and support civil society. Ultimately, the outcome of its initiatives depended on a range of factors. While the National Commission had attempted to raise the quota of women in the parliament, for example, it had ultimately been unsuccessful. The National Commission aimed to influence both the Government and the legislature. Cooperation with the legislative authorities was essential to achieving favourable outcomes for women's rights.

30. **Ms. Majali** (Jordan) said that executive powers would be of limited use, as issues relating to women's rights intersected with the mandates of various ministries. A dedicated ministry risked undermining the work of the Jordanian National Commission for Women, which, by virtue of its relative independence, was able to exert pressure on the Government and work with a range of ministries. Gender mainstreaming had been implemented for many years in cooperation with the National Commission.

31. It was important to maintain close cooperation with the executive and legislative authorities. Before the adoption of the Decentralization Act, for example, the National Commission, civil society and women's organizations had been pushing for the introduction of a quota for women's representation of 15 per cent. While the parliament had initially decided that there should be no quota at all, it had eventually been possible to achieve a quota of 10 per cent. The Government regularly sought the advice and input of the National Commission.

32. **Ms. Gabr** said that, in the light of several recommendations made in the Committee's concluding observations on the fifth periodic report of Jordan, she wished to know what progress had been made in terms of challenging stereotypes concerning the role of women in society and the family and eliminating discriminatory legislative provisions. Were there any plans for the future on that front? While the workshop organized for judges had been a positive step, training should also be organized for the staff of law enforcement agencies and prosecutorial bodies. In addition, it was important for the Government to perform an awareness-raising role.

33. With regard to education, more information on changes to school curricula would be welcome. It was important to ensure that children learned about gender equality both in the family and at school. She wished to know whether the national strategy for women for the period 2013-2017 would be updated or replaced and would be grateful for information on the implementation of general recommendation No. 31 on harmful practices. As for domestic violence, family courts and reconciliation services should be strengthened. Were there real guarantees for women in the reconciliation process? Further information on the Dar al-Wifaq al-Usari shelter for victims of domestic violence would be appreciated. Were such shelters sufficient in number? Were they well resourced? It would also be helpful to

know whether there were any additional shelters operated by NGOs. Lastly, more information on the protective custody process would be welcome, as it raised a number of concerns with regard to women's safety.

34. **Ms. Rana** said that, while the State party was to be commended for the various measures taken to protect migrant workers, they remained vulnerable to trafficking. Many female domestic workers were subjected to forced labour and faced various hardships, including the confiscation of their identity documents and verbal and physical abuse. Some such workers were unable to return to their home countries owing to pending criminal charges against them or their inability to pay overstay penalties, and they were often unable to benefit from free legal aid. In that connection, she wished to know what steps had been taken to amend the Act to Prevent Trafficking in Persons, ensure the safety of victims of human trafficking, make penalties sufficiently stringent, prosecute, convict and punish offenders with adequate custodial sentences and investigate and punish individuals for withholding workers' passports. Additionally, she would be grateful for more information on plans to ensure the effective operation of shelters for victims of trafficking, including mechanisms for the engagement of civil society.

35. **Ms. Nims** (Jordan) said that gender stereotypes were one of the greatest obstacles to social change and legislative reform. In that regard, it was important to ensure effective coordination with the criminal investigation department. To challenge gender stereotypes, it was necessary to revise school textbooks and curricula, and efforts were already being made to do so. On instruction from the King, a committee had been set up to devise a human resources strategy with a particular focus on the education system, and it was working to revise school curricula. It was also important to reform teacher training. Positive informal practices had already been observed in that regard, and efforts should be made to engage teachers further. All stakeholders had acknowledged the seriousness of the issue. A meeting of civil society organizations had recently been held with a focus on the role of education in challenging stereotypes. Regular meetings were held to engage the Ministry of Education with a view to bringing about change on the ground. It was not easy to change stereotypes, but education was central to efforts to do so.

36. The importance of combating trafficking in persons was widely acknowledged. There was a shelter for victims of trafficking, and three further shelters were planned to provide an alternative to administrative custody. Activities had been organized within the framework of the 16 Days Campaign to Combat Violence Against Women. Their objectives had included promoting legislative reform and identifying strategies for the protection of women and girls who were victims of violence. It had been acknowledged that existing preventive mechanisms were insufficiently robust, and a further objective had been to formulate a national plan to be implemented across the country. Academics, civil society and youth organizations had been involved in the process. Without the support of local communities in bringing pressure to bear on the legislative authorities, it would not be possible to achieve the desired objectives.

37. A counter-trafficking unit had been set up within the Ministry of Interior. Various civil society organizations also worked to protect women victims of trafficking and had supported a number of Asian women. Liaison officers had been appointed at the counter-trafficking unit to facilitate the safe return of victims to their home countries. More than 69 return tickets had been provided, and 157 complaints had been referred to the competent authorities. The Prime Minister had decided that victims of trafficking should receive free health care and, where necessary, be referred to centres for psychological treatment. Other activities had been organized to raise awareness of trafficking in persons, including around 40 lectures at schools and universities and radio and television programmes. There were also plans to protect migrant workers from trafficking in persons.

38. **Mr. Tawalbeh** (Jordan) said that, in terms of activities to raise awareness of women's rights in general, a biweekly television programme and various radio programmes had been broadcast, a number of workshops had been organized and meetings had been held across the country. In line with a decision by the Prime Minister and a recommendation by the Government coordinator for human rights, it had been decided that the process of legislative reform should be accelerated. There would be an implementation mechanism for the national human rights plan to ensure compliance with international obligations. The Government was pushing for further legislative reform, but its role was to enforce rather than to enact legislation. Serious consideration had been given to the enactment of legislation on domestic violence, and the matter was now in the hands of the legislative authorities.

39. Training courses were organized for law enforcement agencies as well as the judiciary, and there were plans to organize further courses. Training would be provided for all bodies involved in the promotion and protection of human rights and for public service providers.

40. With regard to domestic violence, offices had been set up to resolve domestic disputes, though more were needed across the country. Mechanisms had been put in place to enable women whose rights had been violated in the process to file complaints. Women could influence the selection of arbitrators, and oversight bodies ensured the full independence of the process. The confidentiality of all information used in the process was guaranteed. Another body provided women with information on their right to appeal settlement decisions. The new law on domestic violence would protect women from pressure and fully guarantee their rights. There was a specialized dispute settlement court. Both parties had to agree to any settlement reached and the court could annul settlements, if necessary.

41. Protective custody served a useful purpose in reducing the prevalence of crime. Although the provisions of the Crime Prevention Act were sometimes applied incorrectly, various measures had been taken to remedy the situation. Victims sometimes needed protection from their relatives. For that reason, a centre had been opened in Irbid, as well as other centres, to provide an alternative to protective custody. Further steps would be taken to raise awareness of the plight of victims.

42. **Ms. Gabr** asked what measures had been taken in response to the recent increase in the number of so-called honour crimes committed in the State party and whether there were plans to repeal those provisions of the Penal Code that allowed perpetrators of such crimes to receive lesser sentences.

43. **Ms. Haidar** said that, according to a recent report, significant percentages of women aged 15-49 years who had been married had experienced physical and sexual violence, and many had never sought help. Although women victims of violence had access to complaint mechanisms, it was problematic that, if the complainant was a minor, her guardian would be involved in the process. How could girls file complaints independently of their guardians? With regard to protective custody, she asked whether there was any way in which article 3 of the Crime Prevention Act could be repealed and what measures were taken to ensure the reintegration of women from shelters into society.

44. **Ms. Rana** said that she would be grateful for more detailed responses to her questions on the provision of legal aid, in particular for victims of trafficking, the maximum length of stay in Government-operated shelters for victims and the mechanism for referring victims to such shelters.

45. **Ms. Nims** (Jordan) said that civil society organizations provided legal aid, which was available to everyone, regardless of nationality. Pursuant to article 100 of the Bar Association Law, legal services were available to both defendants and plaintiffs. The

Government planned to set up a fund within the Ministry of Justice to cover the cost of legal aid.

46. In December 2016, a by-law relating to the provision of shelters had been introduced. The Jordanian National Commission for Women intended to work with the Government and the Ministry of Social Development to make further progress on that front. She acknowledged that further measures should be taken to encourage women to come forward to report incidents of violence. Furthermore, if women were not economically empowered, they would not be able to escape the cycle of violence. Consideration was also being given to the introduction of measures to ensure that women victims of domestic violence could remain in their homes with their children. The statistics published by the Family Protection Department showed a large increase in the number of reported cases. While the increase was a cause for concern, it was nevertheless encouraging that more women were coming forward. The priority was now to increase the quality of the services provided for victims.

47. There was a national team for the prevention of domestic violence under the National Council on Family Affairs. Its membership included representatives from civil society organizations that worked with women directly. Efforts had been made to ensure the effective implementation of the National Framework for Family Protection against Violence, which had been updated in 2016, and to empower civil society. She acknowledged that further measures should be taken to improve the reintegration of women who had spent time in shelters. Such women had to be economically empowered, as they sometimes did not wish to return to their families.

48. **Mr. Tawalbeh** (Jordan) said that the term "honour crime" was misleading. It was more accurate to say that the crimes in question were committed under the pretext of protecting honour. Following recommendations adopted by the Government and recommendations made in the universal periodic review process, some legal texts had been amended to bring them into line with international obligations, and feminist groups had launched other initiatives. The situation on the ground was somewhat different. Following a workshop organized by the Jordanian National Commission for Women, the Iftaa Board of the General Iftaa Department had issued a fatwa condemning so-called honour crimes. Article 308 of the Penal Code was under discussion, and it was hoped that an amendment could be drafted for submission to the parliament. It was not in fact necessary for the guardian of a victim of violence who was a minor to report incidents on her behalf: victims were entitled to report any offences against them regardless of age.

49. **Ms. Nims** (Jordan) said that there had been 42 so-called honour crimes against women and girls. Some perpetrators attempted to argue that their acts did not constitute crimes. However, the alleged protection of honour was not accepted as a defence or mitigating circumstance in court. Consideration was currently being given to amending the provisions of the Penal Code that might suggest otherwise. Efforts were being made to provide for shelters for victims of violence across the country.

50. **Mr. Tawalbeh** (Jordan) said that persons accused of so-called honour crimes could not benefit from the mitigating circumstances specified in article 340 (1) of the Penal Code unless the conditions specified therein were met. Such persons were presumed innocent until proven guilty, but the alleged protection of honour could not be accepted as a mitigating circumstance. It was ultimately up to the court to decide whether to accept the arguments put forward by the defence.

51. **Ms. Gabr** said that the State party's report (CEDAW/C/JOR/6) included a reference to fatwa No. 2758 of the Iftaa Board of the General Iftaa Department, which stated that the marriage of a rapist to the person whom he raped was unacceptable in custom, sharia and civil law.

52. **Mr. Tawalbeh** (Jordan) said that the fatwa in question showed that acts of sexual violence and rape were condemned.

53. **Ms. Nims** (Jordan) said that such fatwas were influential, but they did not enjoy the status of civil law.

54. **Ms. Haidar** said that, while it was helpful if such fatwas supported positive change, they should not take precedence over civil law.

Articles 7 to 9

55. **Ms. Acosta Vargas** said that, while the recent increase in the proportion of parliamentary seats occupied by women represented a positive development, she nevertheless wished to know when full equality of representation would be achieved if the proportion of seats occupied by women continued to increase at the current rate. Could more not be done to increase their representation? She asked whether the quota set under the Decentralization Act represented an upper limit or whether it could be exceeded.

56. She asked whether the national coalition for the political involvement of women had made specific recommendations for increasing the political participation of women. While the 2012 Political Parties Act established that a political party could not be registered unless at least 10 per cent of its members were women, statistics showed that women's involvement in politics was already greater than was suggested by that percentage.

57. She wished to know whether an analysis of the fundamental causes of the low participation of women in politics had been conducted. While it had been pleasing to learn that many judges were women, more information on the involvement of women in religious courts would be helpful, as the Committee had been informed that the staff of such courts did not include any women, despite the fact that some experts in the application of sharia were women. In addition, the membership of the recently established 10-person judicial reform committee set up to enhance the rule of law included only one woman. She would be grateful if the delegation could comment further on the involvement of women in the judiciary in that regard.

58. The Committee had been informed that there were obstacles to the formation of women's organizations. It should be recalled that advances in women's rights depended on the work of such organizations. Lastly, she wished to know what would be done to increase the representation of women in chambers of commerce and industry.

59. **Ms. Chalal** said that the State party was to be commended for accommodating such a large number of Syrian refugees. While it had been helpful to learn why it had not been possible to implement some of the Committee's previous recommendations, she nevertheless wished to know whether progress had been made in terms of amending the Nationality Act to ensure equality between women and men with regard to the acquisition, change and retention of nationality and to enable Jordanian women to pass their nationality to their foreign spouses and their mutual children.

60. She would be grateful for more information on the implementation of the 2014 Cabinet decision pursuant to which the children of Jordanian women married to non-Jordanian men were granted privileges (*mazaya*), such as residence permits, improved access to State health-care facilities, education and work in the private sector, provided that they had resided in Jordan for at least five years. Had follow-up and evaluation mechanisms been introduced in that connection? Did those privileges represent a temporary special measure? Could a Jordanian woman who had renounced her citizenship on marrying a non-Jordanian man reacquire it at a later stage?

61. She asked whether, in line with a recommendation recently made by the Committee against Torture (CAT/C/JOR/CO/3), the State party had put an end to the arbitrary

revocation of citizenship or withdrawal of national identification numbers from Jordanians of Palestinian origin and whether there were plans to ratify the 1961 Convention on the Reduction of Statelessness. Lastly, she wished to draw attention to the fact that her country, Algeria, had lifted its reservation to article 9 (2) of the Convention in 2000.

The meeting rose at 1 p.m.

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Committee on the Elimination of Discrimination against Women
Sixty-sixth session

Summary record of the 1477th meeting
Held at the Palais des Nations, Geneva, on Thursday, 16 February 2017, at 3 p.m.

Chair: Ms. Leinarte

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Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Sixth periodic report of Jordan (continued)

This record is subject to correction.

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Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Sixth periodic report of Jordan (continued) (CEDAW/C/JOR/6; CEDAW/C/JOR/Q/6 and Add.1)

1. *At the invitation of the Chair, the delegation of Jordan took places at the Committee table.*

2. **The Chair** invited the delegation of Jordan to continue with their replies to questions put by members at the Committee's 1476th meeting.

Articles 7 to 9 (continued)

3. **Ms. Majali** (Jordan) said that since women's quotas had first been introduced in 2003, Jordan had seen a steady increase in the number of women participating in political life. The quota of 15 female members of Parliament had been not only met, but surpassed, with 20 women obtaining seats in the most recent parliamentary elections. The quota set under the Decentralization Act of 47 seats for women at the national, governorate and municipal levels was a minimum, not a maximum. A total of 52 per cent of women were registered to vote; of those, 37 per cent had voted in the past year's elections. Those trends were indicative of positive change in the perception of women by society as a whole. Nevertheless, some Members of Parliament and even certain sectors of civil society continued to oppose the establishment of quotas. The process of amending legislation in favour of women was ongoing; she was optimistic that given the Government's continued push for progress, achieving the goal of 30 per cent of women across all levels of government was merely a matter of time.

4. **Ms. Nims** (Jordan) said that the National Commission for Women was seeking to increase women's quotas in all electoral legislation. It was just as important to build the capacity of potential female candidates and thus increase their chances of winning elections. With that in mind, the Commission had also provided training to 319 potential female candidates to help them to improve their leadership skills and learn how to effectively run a campaign for office. Of the 20 women elected in the 2016 parliamentary elections, 14 had benefited from such training. It was crucial not only to help women get elected, but to ensure that those elected were committed to defending women's issues.

5. **Mr. Tawalbeh** (Jordan) said that, under Jordanian law, it was not possible for a child to be born stateless. If a child was born in Jordan to a non-Jordanian father whose nationality was known, the child would acquire his father's nationality; if, on the other hand, the father was of unknown nationality or was stateless, the child would be granted Jordanian citizenship. Children whose parents were unknown were also automatically granted citizenship. There were no laws that expressly permitted the withdrawal of citizenship, and the executive branch generally did not have such powers; however, such measures could be taken on an ad hoc basis. A person whose citizenship was revoked under such circumstances could challenge the decision by providing proof of his or her legal status.

6. With regard to sharia courts, as a result of a series of civil status reforms, the number of girls in centres for victims of domestic violence had increased. At those centres, girls were provided with job opportunities. In 2016, a number of vacancy announcements had been published in Jordanian newspapers and a large number of both men and women had submitted applications, which had been considered without regard for gender. More detailed statistics would be made available if required.

7. **Ms. Haidar** said that she would like the delegation to confirm her understanding that if a Jordanian woman married a Palestinian refugee who had not been granted Jordanian citizenship and had children with him, the children would be granted Jordanian nationality at birth.

8. **Ms. Acosta Vargas** said that it would be interesting to learn whether women judges could be appointed to religious courts. As for women's political representation at the international level, she welcomed the fact that 11 per cent of Jordanian ambassadors were women; nevertheless, parity was still far from being a reality. She wondered whether Jordan was considering adopting measures to further encourage the participation of women in international politics. Lastly, with regard to Security Council resolution 1325 (2000), she would be grateful for detailed information on women's participation in security and peacekeeping forces.

9. **Ms. Majali** (Jordan) said that while parity had not yet been achieved in international political posts, the number of women in such posts was nonetheless steadily rising and was expected to do so more quickly over the next several years given the currently large pool of mid-career women. It was also noteworthy that female ambassadors had been serving in the most important posts, including in Washington, D.C., and New York City. Her Government was exceptionally proud that the Permanent Representative of Jordan to the United Nations had been the first Arab woman to preside over the Security Council. In general, the lack of parity was not the result of discrimination, but simply a question of time.

10. **Mr. Tawalbeh** (Jordan) said that, if a child was born to a Jordanian woman who was married to a stateless Palestinian refugee, that child would be granted Jordanian citizenship. Recent reforms had led to the appointment of a large number of women judges; it was hoped that that number could be further increased. As for the appointment of female judges to family courts, all citizens, regardless of gender, enjoyed equal employment opportunities.

11. **Ms. Nims** (Jordan) said that there were no Jordanian laws that prevented the appointment of female judges to sharia courts. With regard to Security Council resolution 1325 (2000), women participated in peacekeeping forces all around the world. In Jordan, they accounted for 6 per cent of army personnel, less than 1 per cent of police officers and 5 per cent of other operational security positions. A study had been undertaken to explore ways to achieve gender mainstreaming in accordance with the national strategic plan to increase women's participation in military activities, especially peacekeeping.

12. **Ms. Haidar** said that while Jordanian law may not explicitly prevent women from being appointed as judges in sharia courts, it was crucial to seek a better balance and, ultimately, parity of men and women within all courts.

Articles 10 to 14

13. **Ms. Verges** said that she commended the Government of Jordan on its ongoing efforts to uphold human rights, especially given the recent influx of refugees, which required the investment of additional resources. The steps taken to ensure education for all were especially noteworthy. The Committee would be grateful for information on the measures taken, if any, since the completion of the National Strategy for Education for the period 2009-2013 in order to improve education and on any obstacles to putting such strategies in place. Updated statistics on the period since the 2012/13 academic year would also be appreciated. Noting that, in 2015, 30 per cent of refugee children had dropped out of school, she suggested that further preventive steps should be taken to reduce the dropout rate and combat illiteracy — two closely linked issues. She would welcome clarification on whether, during the 2012/13 school year, the dropout rate had fallen by or to 0.3 per cent. It would be useful to learn whether female students were being channelled into fields of

education that were traditionally reserved for women and whether the Government had considered tailoring educational programmes to market requirements and had studied how such a change might affect women. Further efforts were needed to close the significant gap between boys and girls in terms of access to vocational training.

14. **Ms. Patten** said that it would be interesting to learn whether the results of the Government's 2013-2016 action programme designed in part to boost women's participation in the labour market had been assessed and whether there were plans to adopt a new action programme. In the light of the persistently low rate of participation of women in the labour market, she would appreciate information on any specific measures aimed at addressing women's exclusion from the labour market, their employment in precarious, low-paid jobs and discrimination against them in relation to recruitment, promotion and retirement age. Did the Government plan to adopt equal opportunity laws or to take temporary special measures to enhance women's participation in the labour market and to ensure compliance by the public and private sectors?

15. The Committee would welcome information on how many women in urban and rural areas had benefited from vocational training programmes in areas that matched the needs of the job market and data on the number of women who had found employment or started their own businesses following such training. Additional information on the steps being taken to close the gender pay gap and promote job evaluation schemes with gender-neutral criteria would be appreciated. It would also be useful to know whether there were any mechanisms in place to adjudicate matters relating to wage discrimination or plans to establish such a mechanism. Did the Government intend to adopt legislation to guarantee the rights of women and men to equal pay for equal work or work for equal value?

16. She would like to know what specific measures had been taken to eliminate occupational segregation, to promote the equal participation of women in highly skilled jobs and senior management positions and to stimulate their upward mobility in the labour market. It would be interesting to hear about any measures that were being taken to widen the range of occupational choices available to both women and men and to encourage women to take up non-traditional jobs.

17. She commended the Government on the pioneering measures it had taken with regard to migrant domestic workers. Nevertheless, according to information received by the Committee, there were many cases of systematic abuses against such workers, which allegedly resulted from a recruitment system in which both employers and recruitment agencies prevented workers from asserting their rights and a work environment that isolated workers and engendered dependency on employers and recruitment agencies under laws that made leaving a job a punishable offence. In that connection, she would like to know whether Jordan intended to become a party to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families or to the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189). It would be useful to learn about any measures being taken to improve the monitoring of employers and recruitment agencies, to investigate labour violations and to impose fines to the full extent of the law. In addition, she wondered if there were plans to review the law that provided for a fine for each day a foreigner overstayed his or her legal residency and to exempt from the payment of fines any migrant domestic workers who credibly alleged abuse and to allow them to leave the country.

18. Child labour remained a matter of serious concern. She would welcome information on any additional measures taken since the publication of the results of the 2016 national child labour survey. She would also like to know whether the Government had incorporated the elimination and prevention of child labour into the national agenda and to what extent the Government had made public information about the training provided to labour

inspectors, criminal investigations on the worst forms of child labour and the penalties inflicted for violations.

19. **Ms. Arocha Domínguez** said that, although the State party had made commendable efforts to improve women's health, rates of maternal mortality and fertility nevertheless remained high for a country with a relatively highly educated female population. She would welcome updated statistics on the rates of maternal mortality, fertility and adolescent pregnancy in rural and urban areas and in national and foreigner populations. She would also like to know how many women had been imprisoned for having an illegal abortion and whether the Government was considering decriminalizing abortion, at least in cases of serious fetal malformation and pregnancies resulting from rape or incest.

20. It would be useful to learn whether there was a global inter-institutional strategy on sexual and reproductive health and rights and, if so, how the Government planned to involve families and communities in the success of that strategy. The fact that AIDS was currently more prevalent in the non-Jordanian population was no guarantee against its spread to the rest of the population; therefore, she would also like to know whether there were plans to incorporate information on HIV/AIDS into a single sexual health programme. Lastly, she would appreciate it if the delegation could indicate whether educational initiatives on sexual and reproductive health, including the prevention of sexually transmitted infections, specifically included female domestic workers as a target group.

21. **Ms. Nims** (Jordan), responding to a question put by Ms. Verges, said that, during the 2012/13 school year, the dropout rate had indeed been 0.3 per cent. Jordan was proud of its successful efforts to close the gender gap in education. Expanding access to vocational training had nonetheless been challenging, as many families were reluctant to allow their children — of either gender — to enter the vocational job market. Her Government was now seeking ways in which to translate the education of women into more diversified participation in economic life. The economic programme Jordan 2025 included the goal of 25 per cent women's participation in the labour market; to achieve that ambitious goal, the Government was seeking ways to help women enter sectors of the economy where flexible working arrangements were available, such as the information and technology sector.

22. The National Steering Committee on Pay Equity had focused its efforts not only on achieving pay equity but on creating a friendlier working environment for women, including access to day care and maternal leave and a clear definition of sexual harassment. After reviewing all employment legislation, in 2014, the Committee had recommended a number of crucial employment-related legislative amendments. Unfortunately, only one of those amendments had been submitted for consideration by the parliament; it was hoped that the bill in question could be withdrawn with a view to including additional amendments in a subsequent bill. A national strategy for protecting children from forced labour was under discussion.

23. Sexual and reproductive health education was provided in secondary school science classes. That was, admittedly, not early enough, especially given the number of early marriages in Jordanian society; even worse, some teachers reportedly preferred simply to skip that section of the curriculum. It was therefore necessary to work more closely with teachers and to seek civil society support in reaching out to communities. Regarding HIV/AIDS specifically, while the national AIDS control strategy for the period 2012-2016 had resulted in a number of successful initiatives, additional campaigns were needed to raise public awareness about all types of sexually transmitted diseases and further efforts were needed to combat discrimination against those living with AIDS.

24. **Ms. Majali** (Jordan) said that Jordan had invested considerably in efforts to protect children, including refugees, from child labour, and to achieve their successful social integration. A national framework for combating child labour had been established. The

Ministry of Labour, together with ILO, had launched a pilot project in three governorates. Of all child labourers below the age of 17, there were approximately 75,000 Jordanians, 12,000 Syrians and 4,000 children of other Arab nationalities. The Ministry of Labour had intensified inspections of agencies that were known to recruit children: thus, between January 2015 and September 2016, some 5,000 inspections had been conducted; 1,320 child labourers had been discovered, mainly in the wholesale sector, but also in retail and restaurants; and 117 warnings had been issued. Employers had also been contacted and made to commit not to hire child labourers in the future. Lastly, a steering committee had been set up to conduct a national survey of child labour.

25. In an effort to reduce the dropout rate in the refugee population, free elementary education and school meal programmes were being offered. Some 170,000 Syrian children were now attending school. Social workers were being given special training and assigned to schools to assist with cases of dropouts.

26. The National Steering Committee on Pay Equity had several offices throughout Jordan and was assisting with the various dialogues under way in the country. A position paper had also been developed on proposed amendments to the Labour Code in order to prevent labour discrimination.

27. **Ms. Nims** (Jordan) said that there were larger numbers of women in the fields of health and education because women had historically been drawn to the public sector, which provided better stability and benefits. However, times had changed and women needed flexibility to work in various sectors. The challenge lay not only in encouraging women's economic participation, but also in improving the job opportunities available to them, including in the private sector.

28. **Ms. Majali** (Jordan) said that a by-law adopted in 2009 provided for a number of benefits for domestic workers, including medical insurance, paid annual leave and an eight-hour workday. A total of 847 complaints had been received by the relevant labour inspection authorities; 842 of those had already been processed. A total of 10 offices that had been shut down and steps continued to be taken at the national level to improve protection for all workers.

29. **Ms. Verges** said that, despite gains in the educational sector, there was still clearly a problem of discrimination given the school dropout rate and the low number of women represented in leadership positions in higher education institutions. The Government also needed to further improve women's access to training scholarships overseas, which should be awarded without regard for family circumstances. It was important to include education on gender stereotypes in school curricula and to involve women in awareness-raising campaigns to promote equality.

30. **Ms. Ameline**, noting the State party's perpetual shortage of water and energy, made even more acute in a time of crisis, she wondered if and, if so, how the Jordanian Government was involving women as decision makers in sustainable development strategies.

31. **Ms. Arocha Dominguez** said that rather than a summary of the measures already adopted by Jordan to prevent and combat HIV/AIDS, she was interested in learning what steps had been taken by the Government to improve on past strategies, for instance, plans to introduce a programme on sexually transmitted diseases into the general school curriculum. It was important to reach out not only to the most vulnerable groups, but to the entire population.

32. **Ms. Nims** (Jordan) said that it was clear that the culture of the academy would have to change in order to allow larger numbers of women to access leadership positions in the educational hierarchy. Responding to an earlier question put by Ms. Arocha Dominguez,

she said that abortion was already permissible in cases of serious fetal malformation or where pregnancy endangered the woman's life. Various proposals for amendments to the Penal Code had been made to allow for abortion in cases where pregnancy resulted from incest; although such issues were highly controversial in Jordanian society, it was hoped that the amendments would soon be made.

13. **Ms. Majali** (Jordan) said that, as part of a project to increase women's participation in the economic development of poverty pockets, a woman had studied engineering and, on completion of her studies, had introduced solar energy to power her whole community. A large proportion of the budget for the Government response plan to the Syrian crisis for the period 2017-2019 had been allocated to energy-related issues. Women clearly had a role to play in that field, but they would require training in order to participate fully. The Government was aware that, despite the fact that there were 9 schools in the camps and 98 external schools running double shifts, many refugee children ended up dropping out of school. Research into the reasons for dropout had been carried out by the Ministry of Education in conjunction with the United Nations Children's Fund (UNICEF) and civil society partners, and, as a result, remedial education programmes for students who had missed a lot of school, back-to-school campaigns and a school feeding programme had been introduced.

14. **Ms. Nims** (Jordan) said that there had been a focus on gender mainstreaming in the country's climate change policy. In 2016, an important conference had been held on climate change from a gender perspective, with the participation of many female experts. A memorandum of understanding had been signed by the parties with a view to obtaining Government support to achieve mainstreaming. The Government needed to cooperate with civil society organizations in order to draw on their experience and expertise in that field.

15. **Mr. Tawalbeh** (Jordan) said that, under the Civil Service Code, women had equal opportunities to apply for internal or external scholarships, and application criteria for such programmes made no reference to gender.

16. **Ms. Arocha Dominguez**, referring to article 13 of the Convention, said that, while she welcomed the many measures taken to provide women with economic support, such as access to microcredits, the number of beneficiaries was rather low, and the amounts provided seemed insufficient to achieve real economic autonomy and guarantee the sustainability of any businesses set up. She would therefore be interested to know whether there had been any evaluation of the impact of those measures. She would appreciate details on the procedures under which women could combine their pensions with their entitlement to their husbands' or parents' pensions, how that system was regulated and how many women availed themselves of that possibility. She wondered whether the State party had given any consideration to increasing the compulsory age for retirement for women, or making it optional rather than compulsory, given that many women were at a disadvantage, as they had to retire earlier than men but earned less and tended to live longer.

17. **Ms. Song**, referring to article 14 of the Convention, said that the State party was to be commended on its efforts to promote rural women's empowerment. Nonetheless, rural women continued to face major economic, social and cultural challenges, including high unemployment. She wished to know what measures had been taken to address the low level of ownership of agricultural land by rural women and what results had been achieved. She asked whether the goal of a 25 per cent increase in the number of women in decision-making positions in village councils and cooperative associations had been achieved. She wondered whether rural women in leadership positions received leadership training systematically and whether there were any support services to facilitate their political participation. She wondered what legal remedies and support and complaint mechanisms were available to rural women whose rights had been violated. Welcoming the issuance of the fatwa prohibiting the sterilization of girls with disabilities in 2014, she would appreciate

an update on the status of the relevant amendments to the Penal Code and Code of Criminal Procedure.

38. **Ms. Nims** (Jordan) said that, although women currently accounted for approximately 25 per cent of the beneficiaries covered under the Social Security Act, the goal was, of course, to achieve parity. It was true that women continued to be discriminated against under the pension system, but efforts were being made to rectify the situation. The situation with regard to microcredit was complex, and policies in that area would be reassessed to ensure that women were economically independent and had a say in managing their income and resources. Efforts were being made to raise public awareness about the issue, but challenges remained. Women were being encouraged to participate in cooperatives, where they were provided with skills training in areas such as e-commerce and international trade. Twenty such cooperatives had been set up. Training courses to prepare women for participation in political decision-making were being run across the country. The Government was endeavouring to allocate gender-sensitive budgets and promote decentralization so that women could play a stronger role at local level. Government institutions were represented across the country, and the National Centre for Human Rights also had branches nationwide. A bill on the protection of persons with disabilities was being debated by the parliament, and persons with disabilities had been consulted during the drafting stage.

39. **Mr. Tawalbeh** (Jordan) said that forced sterilization was a criminal offence, and there were plans to amend the law to afford greater protections to persons with disabilities against such crimes. The rights of persons with disabilities were protected under Jordanian legislation; persons with disabilities could file complaints and claim compensation if they were subjected to violations or physical harm. Access to justice was provided free of charge. Under the Personal Status Act, women were considered independent financial actors, and all women and girls had the legal right to own land.

Articles 15 and 16

40. **Ms. Patten** said that she would be grateful for an update on the status of the proposed amendments to the 2010 Personal Status Act proposed by the National Commission for Women aimed at repealing discriminatory provisions of the Act. It was a matter of concern that women were still treated like minors under the law when it came to marriage and could not marry without the consent of a guardian. The fact that, even when they waived their financial rights, women could not initiate divorce proceedings without the permission of a guardian meant that they were often trapped in abusive marriages, and they faced considerable challenges in custody battles. She wondered whether there had been any research into the impact of guardianship on women and whether there were any plans to relax or repeal the guardianship system. Was the Government engaging with religious scholars and leaders from other countries in the region that had managed to reconcile their Convention obligations with sharia law?

41. She would be interested to know the rationale behind maintaining the reservation to article 16 (1) (d) of the Convention on men and women's equal rights and responsibilities as parents. Had there been a serious discussion on the impact of the reservation on mothers? How were the best interests of the child ensured when mothers simply lost custody if they remarried? What were the reasons for maintaining article 62 of the Penal Code, under which permission to perform surgery on minors could be exclusively given by male guardians? She would be grateful for details of the study on the right to inheritance and to pursue claims mentioned in the report, including who had conducted it and to whom the findings and recommendations would be submitted. She wished to know what was preventing the review and amendment of civil law in relation to the right of Christian women to inherit property from their Muslim husbands. She asked whether the Alimony

Fund was operational, what resources had been allocated to it, whether there had been any evaluation of its results, and how many women had received alimony through the Fund.

42. Although the minimum age of marriage was 18, judges had the discretion to allow marriages at the age of 15. She inquired whether data was being collected on the number of applications for early marriage being made, how many were successful and whether judges were exercising their discretion judiciously. Were there any plans to review the law to give more guidance to judges in such cases? She would be interested to hear about further measures to prevent child marriage among Syrian refugees, to deal with the difficulties encountered by Syrian couples in registering their marriages and by Syrian women in obtaining divorce documents and to ensure that courts and government agencies accepted alternative documents, such as asylum seeker certificates, as proof of identity for Syrian refugees.

43. **Mr. Tawalbeh** (Jordan) said that the courts accepted any documents that adequately proved the identity of an applicant, regardless of which authority had issued them. Although the minimum age for marriage was 18 years old, Syrian refugees had brought their customs and traditions in relation to early marriage with them, and efforts to prevent the practice had met with resistance. The Government did not condone early marriage but merely wished to ensure enhanced protection for children. To that end, an office had been opened in the Zaatari camp to document marriage contracts entered into in the camp. Judges respected the law in the exercise of their functions and did their best but of course they were not infallible. In addition, the interpretation of the law could change over time. There had been cases brought before the courts by Syrian refugees requesting authorization for marriages between children aged between 15 and 18 years old, which had been referred to them by the refugee authorities. Not all such requests were granted; in some cases additional guarantees had to be furnished prior to approval.

44. With regard to the Alimony Fund, the necessary resources had been requested to ensure that it was able to function properly. When it came to the inheritance rights of Christian women, although spouses of different religions were not entitled to inherit each other's property, both women and men had the right to draw up a will bequeathing part of their estate to their spouse. Given the complexity of the situation, a study had been carried out on the laws governing inheritance. It must be borne in mind that inheritance laws were based on sharia law, which was followed by 75 per cent of the population. Concerning the reservation to article 16, Jordan had merely exercised the right available to all States parties to make reservations to provisions of the Convention. The Government did not wish to shock public opinion by withdrawing the reservation to article 16, as it might give rise to further challenges.

45. With regard to custody, the best interests of a child were assessed by the judge, who took a decision based on his or her moral conscience, and the father's views had no bearing on the outcome. Families could appeal decisions to a higher court, but the best interests of the child always prevailed. There was ongoing dialogue concerning women's status and rights. The Personal Status Act had been discussed by all relevant stakeholders, including legal experts and civil society prior to its adoption; all proposed amendments had been referred to the courts and the Government.

46. **Ms. Patten** said that the Committee understood that States parties were entitled to make reservations to provisions of the Convention, but there was an expectation that such reservations would be reviewed with a view to withdrawing them.

47. **Ms. Majali** (Jordan) said that she wished to thank the Committee for the dialogue. The delegation had taken note of the Committee's observations and looked forward to receiving its recommendations. She acknowledged the important role played by civil

society in supporting the State party's efforts. Jordan was committed at the highest level to implementing the Convention.

48. **The Chair** said that the Committee was grateful to the delegation for the constructive dialogue. It commended the State party on its efforts and encouraged it to take all necessary measures to implement the Committee's recommendations

The meeting rose at 5.15 p.m.

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Convention on the Elimination of All Forms of Discrimination against Women

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Please recycle

The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined eighth and ninth periodic reports of El Salvador (CEDAW/C/SLV/8-9; CEDAW/C/SLV/Q/8-9 and Add.1)

1. *At the invitation of the Chair, the delegation of El Salvador took places at the Committee table.*

2. **Mr. Castaneda Magaña** (El Salvador), introducing the combined eighth and ninth periodic reports of El Salvador (CEDAW/C/SLV/8-9), said that the State party's deep commitment to women's rights was illustrated by the priority given to those rights in the Five-year Development Plan. The national equality plan for 2016-2020, the National Policy for Women's Access to a Life Free of Violence and related legislation also set out the State's responsibility for protecting women's rights and, for the first time, specifically recognized women as rights holders.

3. The entry into force of the Act on Equality, Equity and Elimination of Discrimination against Women and the Special Comprehensive Act on a Violence-Free Life for Women had strengthened the Salvadoran Institute for the Advancement of Women, which was the lead agency tasked with institutional coordination and strategic management in that area. A bill that would enhance the Institute's role in guiding activities relating to women's rights was being drafted, and the Institute had established the System of Statistics and Monitoring for Equality to monitor institutional progress, the situation of women and compliance with the country's international commitments regarding women's rights.

4. A Gender Statistics Office had been established within the Directorate General of Statistics and Censuses. Measures to combat sexist stereotypes included the dissemination of an analysis of the situation of women, awareness-raising campaigns, training for civil servants, improvements to mechanisms to monitor women's rights in the workplace, cultural events, and technical assistance for the creation of gender equality units and policies within public institutions.

5. The country's literacy programmes had significantly decreased the illiteracy rate among women. Furthermore, the Ministry of Education had adopted a range of measures to promote gender equality, including comprehensive sex education, which had resulted in fewer dropouts and less absenteeism. However, many girls did not attend school because they were required to do household chores or were victims of violence.

6. While the gender quotas introduced by reforms to the Political Parties Act had been effective in the most recent elections to the Legislative Assembly and the Central American Parliament, more progress was needed at the municipal level. The successful Women's City Programme had engendered a related programme aimed at empowering teenage girls and young women and educating them about their rights.

7. Despite progress in the area of employment, women continued to trail far behind men in terms of workforce participation, partly because employment opportunities for them were concentrated in microenterprises. In response, the National Commission on Microenterprises and Small Businesses, the Women's Bank, the Agricultural Development Bank and the Ministry of Agriculture and Livestock had implemented strategies aimed at providing employment opportunities, access to credit and technical assistance for women.

8. Several projects were aimed at recognizing the ongoing struggles of female survivors of the country's armed conflict, preserving historical memory and preventing the recurrence of conflict. For example, a comprehensive social development programme was in place in El Mozote and the surrounding area, which had been the scene of massacres

during the conflict. Additionally, the Salvadoran Institute for the Advancement of Women was recording stories told from the perspective of women survivors. Two national bodies had been established to oversee the implementation of Security Council resolution 1325 (2000) on women and peace and security and to increase women's representation in mechanisms for the prevention, management and resolution of conflict. A national action plan for the implementation of the resolution was also being drafted.

9. The preparation of the National Plan for Indigenous Peoples had been led by indigenous communities, in particular indigenous women, and would be launched in 2017. The Plan provided for specific actions that would enhance indigenous women's participation in decision-making structures. Several government agencies were currently involved in drafting a national plan for rural and indigenous women, which would address issues such as access to land and water, climate change and food security. In 2016, the Salvadoran Agrarian Reform Institute, in line with its workplan on equality and non-discrimination, had granted land titles to more than 3,000 women, accounting for almost half of the total granted. On more than 5,000 occasions, the National Development Bank of El Salvador had provided funding and technical assistance to women, who participated in particularly high numbers in programmes relating to family farming.

10. Guidelines for bodies working in the area of sexual and reproductive health had been established, and proposed reforms to the Penal Code had been submitted to the Legislative Assembly. Those reforms would decriminalize abortion when the purpose was to preserve the woman's life, when the pregnancy was the result of rape or trafficking, when fetal malformation would make the fetus inviable outside the womb or when the pregnancy was the result of rape or statutory rape of a minor. The Legislative Assembly was also due to decide on the ratification of the Optional Protocol to the Convention.

11. Maternal mortality had fallen by more than 60 per cent over the previous 12 years, and the current rate was one of the lowest in the region. More women had access to contraception thanks to partnerships with NGOs and other institutions. Almost all births now took place in hospitals, and almost two thirds of pregnant women received care in early pregnancy; of those, all received dental care and two thirds received a check-up within seven days of giving birth. Women who were at high reproductive risk were identified by hospitals and specialized Community Family Health Centres to enable them to take a free and informed decision on whether to become pregnant.

12. Infant mortality and premature births had decreased, obstetric specialists were on duty 24 hours a day in most maternity units, and ultrasound equipment was available in all emergency units. Hospitals also housed clinics that provided confidential services for women victims of violence. Efforts had been made to reduce violence through the promotion of non-violent lifestyles, care for victims of violence against women, psychosocial rehabilitation and guidelines for inter-agency and intersectoral coordination. As President pro tempore of the Community of Latin American and Caribbean States, El Salvador sought to raise the profile of gender equality and women's empowerment and to eradicate violence against women at the regional level. The current year would see the opening of specialized courts to address violence and discrimination against women.

13. Reducing the country's high rates of pregnancy among minors remained a significant challenge. To that end, and aware that early pregnancy represented a violation of girls' rights and a significant threat to their health, the Government had implemented a national strategy involving education for adolescents and their parents; group support for pregnant adolescents; promotion of sexual and reproductive health services for adolescents through a range of media; preventive care; specialized care for adolescents at Community Family Health Centres and hospitals; adolescent-friendly health services; partnerships between government agencies and NGOs; and development of a national multisectoral strategy.

14. El Salvador would continue to address the main challenges that it faced in relation to women's rights, in particular by boosting regulations to eradicate practices and stereotypes that led to discrimination, inequality and violence against women, and by improving women's access to justice and health care.

Articles 1 to 6

15. **Ms. Schulz** said that she wished to know how the obstacles hindering the ratification of the Optional Protocol would be overcome and whether there was a time frame for ratification. Noting the country's extraordinarily harsh anti-abortion legislation, which in practice applied only to disadvantaged women and girls, she asked whether the Government was willing to legalize abortion at least when the woman's or girl's health or life was threatened and in cases of rape, incest and severe fetal impairment, and to decriminalize it in all circumstances, and whether there was a time frame for discussion of such reforms. She wished to know whether the Government was willing to apply a moratorium on the enforcement of the law; to allow women accused of abortion-related offences to await trial outside prison; to expedite the review of the cases of all women currently imprisoned for abortion-related offences, with a view to securing their release; to restore full confidentiality between doctors and patients by immediately ending the practice of requiring health personnel to report cases of abortion to law enforcement; and to ensure the quality of all pregnancy-related health services, including post-abortion care.

16. She also wished to know whether cases of harassment, intimidation, abuse and murder of women's human rights defenders were investigated to bring the perpetrators to justice and grant reparation to victims. She asked whether recently enacted legislation on access to justice and the training of judicial and law enforcement officers would improve the justice system; whether the system addressed cases of multiple discrimination against women, while considering the interaction of the various grounds of discrimination; and whether women could lodge complaints of discrimination on various grounds with the same court. Lastly, she asked whether the Act on Equality, Equity and Elimination of Discrimination against Women created new rights that could be invoked in court, whether it required enabling legislation and whether the control mechanism provided for by the Act was already in place.

17. **Ms. Peña Mendoza** (El Salvador) said that, while the bill on the partial decriminalization of abortion had not yet garnered the necessary support in the Legislative Assembly, attempts to defeat it definitively had failed. The supposed conflict between the rights of the unborn and the rights of women also stood in the way of the bill's adoption, and the Supreme Court of Justice had ordered the Legislative Assembly to resolve the issue. Only the Supreme Court of Justice could grant pardons to women convicted of abortion-related offences; such rulings were not made in the majority of cases and only one woman had been released from prison after receiving a pardon.

18. **Ms. Argueta Martínez** (El Salvador) said that the Act on Equality, Equity and Elimination of Discrimination against Women was implemented through the National System for Substantive Equality, whose provisions included new specialized courts to deal with gender-based violence and a range of forms of discrimination. Training and awareness-raising had been carried out as part of the establishment of those courts, and the Salvadoran Institute for the Advancement of Women had validated the appointment of their judges. Regarding women's rights defenders, the Government worked with civil society through advisory councils and a national network of women's rights defenders to protect such activists, and a report on how the Attorney General's Office could protect and provide justice for them would soon be published. Steps were being taken to remedy the failure to recognize the specific rights of women's rights defenders at the legal level.

19. **Mr. Robles Ticas** (El Salvador) said that health-care professionals were trained to prioritize the provision of health care over the filing of reports with the relevant authorities.

20. **Ms. Schulz** asked whether the bill on the partial decriminalization of abortion took women's right to health into consideration and whether the State party had considered revising article 1 (2) of its Constitution in order to resolve the problems created by the recognition of embryos as human beings. She would welcome clarification on whether or not doctors reported women who had undergone abortions or suffered miscarriages to the authorities. She wished to know what effect the Supreme Court's unconstitutionality ruling on the 1993 Amnesty Act had had and whether it offered new hope for women who had suffered sexual and gender-based violence during the conflict.

21. **Ms. Acosta Vargas** asked what obstacles were hindering the ratification of the Optional Protocol and whether it would be ratified in the near future.

22. **Ms. Arocha Domínguez** asked how the Government was working with different stakeholders in the debate on the partial decriminalization of abortion. The situation was difficult because the State's duty to protect women clashed with the Constitution's recognition of the unborn as persons.

23. **Ms. Peña Mendoza** (El Salvador) said that the bill provided for the decriminalization of abortion only when a woman's life, not just her health, was at risk. The main obstacle to the adoption of the bill and to the ratification of the Optional Protocol was the extremely conservative stance of some parliamentarians. In order to overcome that obstacle, work had been done with women's organizations, churches and doctors' associations. The Constitutional Division of the Supreme Court of Justice had ruled that it was not necessary to amend the Constitution in order to reform the Penal Code.

24. **Ms. Argueta Martínez** (El Salvador) said that the project to preserve the historical memory of women survivors of the El Mozote massacre included an emotional support component that could be extended to survivors of other massacres. A group for building peace, security and justice that comprised more than 2,000 female combatants had also been established to create a framework for women's rights within peacebuilding processes.

25. **Mr. Robles Ticas** (El Salvador) said that the health system prioritized the provision of care in order to safeguard women's lives and health. Nevertheless, the Ministry of Health and Social Welfare was required to advise the authorities of circumstances that required investigation, such as cases involving pregnant minors. Health-care staff received training on patient-doctor confidentiality.

26. **Ms. Schulz** asked whether the Constitution provided for the separation of church and State. Other States parties that had decriminalized abortion only when a woman's life was at risk had encountered difficulty in defining such circumstances, with medical staff often avoiding abortion for fear of prosecution or allowing women's health to degrade before they undertook the procedure.

27. **Ms. Peña Mendoza** (El Salvador) said that the State was secular, as emphasized by the Constitution and the Special Comprehensive Act on a Violence-Free Life for Women. Nevertheless, there existed a group of extremely conservative lawmakers in the Legislative Assembly, and the new Human Rights Ombudsperson opposed the decriminalization of abortion. It was hoped that enough support could be mustered from the various right-wing opposition parties to pass the bill. No time frame had been set for the bill's adoption in order to prevent its opponents from mounting a counter-campaign.

28. **Ms. Haidar** asked how the State party planned to strengthen the capacities of the Salvadoran Institute for the Advancement of Women, given that its budget was minimal; how the representatives of the national women's organizations that sat on the Institute's governing board were selected; and how the implementation of the agreement signed with

the Prudencia Ayala Feminist Coordinating Committee was monitored and evaluated. She would welcome information on the Institute's data-collection system, particularly in relation to data on women victims of violence. Lastly, in the light of the State party's selection for accelerated implementation of the Sustainable Development Goals, she wished to know how the Institute monitored the Goals' implementation and the mainstreaming of gender into that process, and whether NGOs were involved in the monitoring.

29. **Ms. Chalal** asked whether training was provided on the direct applicability of article 4 (1) of the Convention and on the importance of temporary special measures in accelerating gender equality. Given the Committee's concerns that temporary special measures were underutilized as a strategy to achieve gender equality in fields where women were underrepresented, she asked what additional measures were planned, whether the measures already in place were monitored and evaluated and with what objectives, how the Salvadoran Institute for the Advancement of Women contributed to those measures, what resources were allocated for their implementation, what measures were planned to address the unequal representation of men and women in decision-making posts in the public and private sectors and what efforts had been undertaken to raise awareness of the right to equal opportunities in the workplace.

30. **Ms. Argueta Martínez** (El Salvador) said that representatives of women's organizations were elected to the governing board of the Salvadoran Institute for the Advancement of Women through a public call for applications, followed by an election in which all organizations represented on the Institute's board were eligible to vote. The process was monitored by the Counsel General's Office, the Office of the Human Rights Advocate and the Director of the Institute.

31. The Institute also worked with the Gender Statistics Unit within the Directorate General of Statistics and Censuses and was currently finalizing a time-use survey with the aim of detecting the amount of unpaid work carried out by women and the conditions in which it was performed. It was also drafting a list of indicators to measure the progress of the National Plan for Equality and Equity for Salvadoran Women and the National Policy for Women's Access to a Life Free of Violence, which were also monitored by other groups. A survey on the perception of violence against women was being carried out; data on that issue were also being gathered by the Ministry of Justice and Public Security. The Institute produced an annual report on violence against women, and a statistical yearbook on the situation of women was due to be published the following month. Efforts were being made to harmonize data collection across different government bodies.

32. Reforms to strengthen the Institute both economically and politically were ongoing. Furthermore, other equality mechanisms such as the Special Technical Commission were now regulated by legislation. The Institute had achieved progress in the area of employment by establishing job banks for women and by providing them with training and non-traditional employment opportunities. A pilot programme that provided funding to female victims of violence and that monitored their subsequent progress would later be extended to female victims of a range of crimes. Specific job banks for victims of violence and for the lesbian, gay, bisexual, transgender and intersex community had been created. There had been a dramatic increase in the number of facilities providing care for victims of violence, which were located in areas where violence against women was most prevalent, and municipal authorities had been given responsibility for promoting the rights of women at the local level.

33. **Ms. Fernández** (El Salvador) said that the Salvadoran Institute for the Advancement of Women was part of the team of agencies that monitored progress towards the Sustainable Development Goals and the mainstreaming of gender in that process. Special temporary measures were in place under the National Equality Plan to close persistent equality gaps with regard to economic independence, education and health.

34. **Ms. Haidar** asked the delegation to specify the level of executive authority of the Salvadoran Institute for the Advancement of Women.

35. **Ms. Argueta Martínez** (El Salvador) said that a bill had been drafted for the reform of the Institute. Under current legislation, it served not only as a coordinator but also as a lead agency. A permanent coordination mechanism was in place for liaison with women parliamentarians on all reform processes. The Institute worked with the Ministry of Finance to ensure gender-sensitive budgeting, and the Court of Audit played a supervisory role to ensure the proper use of funds for strengthening the structures in place to promote non-discrimination.

36. **Ms. Fernández** (El Salvador) added that the Institute was independent and formed part of the Social Affairs Cabinet and the Security Cabinet, and as such could participate fully in the executive direction of public policy.

37. **Ms. Acosta Vargas** asked whether the Institute had ministerial status.

38. **Ms. Argueta Martínez** (El Salvador) said that the Institute and the women's movement in El Salvador had agreed that if the Institute became a ministry for women's affairs, it would run the risk of being subsumed into the Government and losing its visibility and specific authority. A better approach would be to strengthen the Institute and equip it with a specific mandate and the necessary tools to respond effectively to women's issues through representation in the executive branch, the Legislative Assembly and the Supreme Court of Justice.

39. **Ms. Peña Mendoza** (El Salvador) said that close cooperation between the Institute and the women's movement in El Salvador was particularly important and must not be lost. The Institute had been established by law, and thus could not be abolished as easily as a ministry.

40. **Ms. Rana** said that she wished to know why so few femicide cases were prosecuted and why reparation for the families of victims was so rarely granted. She also asked what was being done to overcome obstacles to access to justice. With regard to sexual violence, most victims were adolescent girls. She asked what was being done to reduce the high numbers of adolescents who became pregnant and dropped out of school, and enquired as to the status of the proposed revision to the Family Code to bring the minimum age of marriage into line with the recommendation of the Committee on the Rights of the Child.

41. The Committee was particularly concerned about the problem of rape, abduction and murder of girls in neighbourhoods under gang control. The Committee had been informed that the deployment of security forces to gang-controlled areas had increased the incidence of violence against women. Girls who became pregnant as a result of rape or sexual abuse were likely to seek abortions and thus were at risk of being punished under criminal law. What was being done to protect women and girls in that regard?

42. She asked whether prison law reforms had helped to prevent situations in which women and adolescent girls were forced to have sex with prisoners. The enforcement of anti-violence legislation was suffering because of budget constraints; did the Government plan to conduct a budget assessment with a view to ensuring the proper implementation of that legislation and the allocation of adequate resources for the protection of women and girls against violence?

43. **Ms. Acosta Vargas** asked how many women and girls were trafficked in El Salvador for sexual exploitation, how many were forced into slavery, servitude and begging, and how many became pregnant as a result of sexual exploitation and abuse. She also asked what was being done to ensure systematic data collection and what measures were being taken to bring traffickers to justice. According to the information before the Committee, very few trafficking investigations had resulted in a trial or a conviction. What steps were

being taken to ensure that victims of violence were able to bring the perpetrators to justice? She wished to know what was being done to prevent women who were deported from the United States of America and Mexico from falling into the hands of organized crime networks, and whether the number of shelters for trafficking victims would be increased.

44. With regard to sex work, she expressed concern at the lack of measures to protect sex workers. Women who worked as independent sex workers tended to suffer severe discrimination in hospitals and health-care settings, and often suffered abuse and violence at the hands of the authorities. She asked what was being done to rectify that situation.

45. **Ms. Argueta Martínez** (El Salvador) said that rates of femicide and violence against women were indeed particularly high in El Salvador. Given the lack of a unified data registry, comprehensive data on violence against women were difficult to obtain, and multiple sources of information could result in duplications. A permanent body had been set up to assess the geographic distribution of violence against women and girls and to investigate its root causes. Impunity in cases of femicide resulted from a failure to interpret the law correctly and to identify perpetrators; if the perpetrator was a gang member, for example, the crime might be identified as gang violence rather than femicide. Some 80 specialized units had been set up to address violence against women at three levels: reporting, access to justice and restitution of victims' rights. A more comprehensive network of care for victims was also being developed. Although shelters were in place to protect victims of violence during court proceedings, victims were often reluctant to move into them; other means of providing protection must therefore be considered.

46. A reform of the Criminal Code was under way to ensure that not only traffickers but also their customers were held to account. The conviction of some of the most high-profile members of Salvadoran society in trafficking cases had raised public awareness of the problem and could make victims more inclined to report abuses. With regard to migrant women, a protocol for women in transit, returnees and trafficking victims was being prepared with a view to raising awareness, and a national plan of action would be developed to provide victims with restitution and support for their reintegration into society.

47. **Mr. Castaneda Magaña** (El Salvador) said that the Safe El Salvador Plan was an intersectoral framework to improve public security. A national public safety council had been established to bring together public, private, religious and civil-society institutions to increase public safety at the local level through simple measures such as improved street lighting, which had resulted in a substantial reduction in homicide rates. Efforts had also been made to promote productivity, particularly among women prisoners who had been allocated land to cultivate as a means of promoting their reintegration into society and increasing respect for their human rights. High-level coordination on security matters was being conducted with neighbouring countries to address organized crime and violence.

48. **Ms. Fernández** (El Salvador) said that budgetary resources were allocated by sector. A budget reform was under way and all State institutions would be required to provide clear reports on their spending.

49. **Ms. Acosta Vargas** asked whether discrimination against sex workers was common in hospitals and health-care centres and by the police.

50. **Ms. Rana** reiterated her request for information on the status of the proposed reform of the Family Code to bring the minimum age of marriage into line with the recommendation of the Committee on the Rights of the Child.

51. **Mr. Robles Ticas** (El Salvador) said that concerted efforts were being made to prevent discrimination against sex workers, especially in hospitals. Efforts to achieve universal health-care coverage had included increased investments in gynaecological services and diagnostic equipment.

52. **Ms. Peña Mendoza** (El Salvador) said that funding for programmes and activities to meet the Sustainable Development Goals was problematic. A simple redistribution of available resources would not be sufficient; an increase in funds would be essential. Meeting the large number of targets and indicators under the Goals was particularly challenging in a country where the distribution of wealth was highly unequal.

53. National law continued to provide that girls and boys under the age of 18 could marry with the consent of their parents. A reform of that provision would be put forward later in 2017.

54. The Safe El Salvador Plan included measures that went beyond law enforcement to ensure protection and care for victims of violence. While efforts were being made to end stereotyping, any such cultural change was a slow process. She had requested a meeting with the Human Rights Ombudsperson to discuss gender-based violence, but had been refused and would therefore appreciate the Committee's support in calling for such a meeting.

55. **Ms. Argueta Martínez** (El Salvador) said that the police and civil servants needed a change of attitude with regard to sex workers. Efforts were being made to gather data on discrimination against sex workers in health-care settings and at the hands of law enforcement officers. With regard to child marriages, pending a reform of the law, efforts were being made to encourage officials to refuse to perform weddings involving children. In two municipalities, draft municipal laws prohibiting child marriage had been proposed.

56. **Mr. Castaneda Magaña** (El Salvador) emphasized that there was no State policy of persecuting sex workers.

Articles 7 to 9

57. **Ms. Chalal** said that she was concerned about the underrepresentation of women in public administration in the State party. She wished to know what obstacles prevented women from participating in politics and public life, and what specific steps were being taken to encourage women to embrace a political career and apply for high-level posts. She wondered what role the media were playing in advocating change. She asked whether measures were being taken to help women understand how important it was for them to be involved in decision-making and policymaking that affected them. While quotas for women's representation in the executive, legislative and judicial branches were useful, she would welcome more information about how they would be put into practice.

58. **Ms. Manalo** said that she wished to know how many women had joined the diplomatic service, how many were career diplomats and how many had been appointed as ambassadors. She also wished to know how many Salvadoran women worked in intergovernmental organizations at the regional and international levels, and what measures were being taken to encourage women to seek positions in the international arena.

59. **Ms. Argueta Martínez** (El Salvador) said that the underrepresentation of women in public life in El Salvador reflected the realities of Salvadoran society. Women who cared for family members were often precluded from participation in public life; a national care policy was therefore being developed to enable women to participate in politics. Awareness-raising campaigns were being waged to encourage women's participation, and the Secretariat for Social Inclusion was promoting training and literacy programmes to ensure that women were not only aware of their rights but also able to exercise them. Measures were being taken to prevent violence against women in politics and the use of stereotypes in political campaigns. As women tended to have more difficulty than men in obtaining campaign funds, greater investment in women candidates was being sought.

60. **Ms. Peña Mendoza** (El Salvador) said that a bill addressing equality in democracy was currently before the Legislative Assembly. Further efforts were required to increase women's participation in other aspects of public life; the media tended not to interview women, but any effort to encourage an increase in media representation of women could be construed as an attempt to restrict freedom of expression. Despite the existence of quotas for women's participation in politics, the number of women in political posts remained low. While women's representation must be increased, political and social change would not necessarily be directly linked to that increase, as women would not necessarily agree on certain issues. Many women were against the decriminalization of abortion, for example.

61. **Mr. Castaneda Magaña** (El Salvador) said that efforts were being made to offer women real opportunities to participate in public life. An institute for diplomatic studies had been established to train career diplomats. El Salvador had appointed women to the diplomatic service in its embassies and in its Permanent Missions to the United Nations in Geneva and Rome.

62. **Ms. Chalal** asked whether quotas had been set for the participation of indigenous women in public life.

63. **Ms. Alvanes Amaya** (El Salvador) said that a national action plan for indigenous peoples was currently under discussion. Indigenous women tended to face multiple forms of discrimination on grounds of ethnicity, gender and poverty. The Salvadoran Institute for the Advancement of Women was playing an active role in addressing indigenous women's issues, and it was hoped that indigenous women would eventually take up posts in the public sector. Progress had been made, including the amendment of legislation to allow for the transfer of land to indigenous women, but considerable challenges persisted.

64. **Ms. Peña Mendoza** (El Salvador) added that the constitutional reform whereby indigenous peoples had been officially recognized had been a slow process. The recent adoption of legislation on culture, which recognized indigenous peoples' rights to traditions, customs and freedom of belief, had been a positive development. Even so, much remained to be done and the process of guaranteeing the rights of indigenous peoples was only just beginning. The recognition of those peoples in the Constitution meant that they would begin to receive due consideration in national policies and programmes.

65. **Ms. Arocha Domínguez** asked whether the State party recognized its Afrodescendent population, since there was a long-standing myth that no such people existed in El Salvador.

66. **Ms. Alvanes Amaya** (El Salvador) said that a small Afrodescendent population had been identified and a section of the forthcoming action plan on minorities would be devoted to the issues facing that community. A census was planned to survey the origins of the various ethnic groups in El Salvador. The situation of Afrodescendants in El Salvador had long been ignored and the Government was making every effort to gather information on those communities and their living situations.

Articles 10 to 14

67. **Ms. Manalo** asked what was being done to mainstream gender in education from the primary level onward. She asked whether equality education was included in the national school curriculum, whether girls were educated for leadership roles, and whether sexuality education was provided. She also wondered whether teachers were trained in gender equality and requested information on how the curriculum and teaching materials had been adapted.

68. **Ms. Arocha Domínguez** said that while the initiatives taken to diversify women's training and employment were welcome, the Committee remained concerned that women

were employed primarily in low-paid jobs and that a significant gender pay gap persisted. She wished to know what was being done to rectify those issues and to ensure equal pay for work of equal value. She requested updated information on the recognition of domestic work and the protection of domestic workers, particularly the performance of labour inspections for domestic work. She wished to know which violations of domestic workers' rights occurred most frequently and what the main obstacles were to the ratification of the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189). She asked whether the maquila industry, which was notorious for its poor working conditions, was subject to labour inspections and, if so, whether such inspections were conducted as a matter of course or only when complaints had been received. She also asked what was being done to hold companies that exploited Salvadoran women to account, particularly since many of those companies were multinationals.

The meeting rose at 1 p.m.

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Committee on the Elimination of Discrimination against Women
Sixty-sixth session

Summary record of the 1479th meeting
Held at the Palais des Nations, Geneva, on Friday, 17 February 2017, at 3 p.m.

Chair: Ms. Leinarte

Contents

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined eighth and ninth periodic reports of El Salvador (continued)

This record is subject to correction.

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined eighth and ninth periodic reports of El Salvador (continued) (CEDAW/C/SLV/8-9; CEDAW/C/SLV/Q/8-9 and Add.1)

Articles 10 to 14 (continued)

1. *At the invitation of the Chair, the delegation of El Salvador took places at the Committee table.*

2. **Ms. Arocha Domínguez**, noting that health care was provided by a range of different institutions operating in a highly complex system, said that she wished to know how the Ministry of Health, as the governing body in that area, oversaw the mainstreaming of the gender perspective in the provision of health care. She asked how the various health-care institutions were able to coordinate their work when they operated in a decentralized manner and discharged different functions. She wished to know how the State party ensured the provision of high-quality, inclusive health care that did not stigmatize or discriminate against ethnic or sexual minorities or persons living with HIV/AIDS.

3. Noting that the teenage pregnancy rate remained extremely high despite the many measures taken to improve the delivery of sex education and the availability of contraception, she asked what obstacles prevented those measures from functioning effectively. Given that many teenage pregnancies were caused by older male relatives who usually went unpunished, she asked whether more could be done to tackle the culture of impunity and ensure that perpetrators of sexual violence against children were held to account. Lastly, she asked whether a moratorium on the enforcement of legal provisions criminalizing abortion could be implemented and whether better care, including mental health care, could be provided to women who were in prison for terminating a pregnancy.

4. **Ms. Fernández** (El Salvador) said that the Ministry of Education had adopted a gender equality policy aimed at promoting inclusive, non-sexist education, mainstreaming the gender perspective in education and preventing gender-based violence in schools. An implementation plan for the programme, for which funding had been allocated, had been drawn up for the period 2016-2020.

5. In response to the questions on employment, she said that although the gender pay gap persisted, the Act on Equality, Equity and Elimination of Discrimination against Women provided for the elimination of differences in pay between men and women performing the same functions. Domestic work could not be made subject to labour inspections, as it was not declared. However, the Government was in the process of bringing its laws on social security into line with the ILO Domestic Workers Convention, 2011 (No. 189). Lastly, the Ministry of Labour and Social Security had called for more random inspections of the maquila sector in order to improve working conditions and prevent gender-based discrimination.

6. **Mr. Robles Ticas** (El Salvador) said that the Ministry of Health provided health care to 80 per cent of the population, while other State institutions covered the remaining 20 per cent. The Ministry's governance role had been strengthened in recent weeks by the creation of the integrated health system, under which the Ministry was further empowered to establish protocols and regulations in the area of health. Outside the larger cities, the Ministry was the sole provider of health care, covering all of the country's 262 municipalities, in which community health teams had been established. Those teams made home visits to ensure that women and children were provided with adequate health care,

including reproductive health care, irrespective of whether or not they had health insurance. Under the current administration, everyone in El Salvador was entitled to receive free care.

7. All of the Ministry's programmes incorporated a gender perspective that extended across the whole of the integrated health system. High-risk pregnancy clinics and specialized community health teams attended to women and children across the country, improving access to family planning methods and monitoring the health of children and pregnant women. Mobile units ensured that health care was provided to women and children who were unable to travel to the clinics. Staff employed in the integrated health system received continuous training in sexual and reproductive health. The sharp rise in the percentage of institutional births had significantly reduced the maternal mortality rate.

8. Under the current administration, great emphasis was placed on providing appropriate sex education and tackling the problem of teenage pregnancy. The main causes of teenage pregnancy and the geographical areas where it was most prevalent had been mapped on the basis of a study carried out in conjunction with the United Nations Population Fund. Government data indicated that every year around 30 per cent of the births attended by Ministry of Health personnel involved teenage mothers. Given the scale of the problem, it was necessary to adopt a holistic approach that took legal, cultural, religious and other factors into account.

9. Following advocacy efforts by associations of women's health-care providers and bioethicists, by a group of lawmakers in the Legislative Assembly and by other institutions, good progress had been made towards decriminalizing abortion. The Ministry of Health was working closely with the Ministry of Justice and Public Security to address the mental and physical health needs of women who had been imprisoned for abortion-related offences.

10. **Ms. Arocha Domínguez** said that, in addition to strengthening the monitoring of the maquila sector, the Government should consider carrying out studies on the impact of that sector on women.

11. Noting that, according to the State party's written replies to the list of issues and questions, health-care personnel were receiving training on the need to maintain professional secrecy (CEDAW/C/SLV/Q/8-9/Add.1, para. 79), she asked the State party to confirm that doctors, who were not permitted to carry out abortions, generally agreed to treat women who had had abortions and maintained professional secrecy in relation to such cases. Furthermore, she asked the State party to confirm that emergency contraception had indeed been made available through the national health system.

12. **Ms. Acosta Vargas**, noting that more women than ever had access to higher education, said that she wished to know whether policies were in place to encourage more women to study subjects such as science and technology. She asked whether the law prohibiting the expulsion of pregnant students from educational establishments was always implemented in practice and whether the Ministry of Health was working with the Ministry of Education to tackle the alarmingly high rate of teenage pregnancy in El Salvador.

13. **Ms. Schulz** said that, according to information received by the Committee, half of the women prosecuted for obtaining an abortion had been reported by post-abortion care providers, and all of those cases had concerned care providers working in the public sector. Given that the Health Code stipulated that confidential information could be disclosed if required by law and the Criminal Code obliged care providers to report suspected crimes, while the Code of Criminal Procedure exempted health-care providers from the obligation to disclose information that was protected by standards of professional secrecy, she asked the State party to explain how health-care providers could interpret and respond to those conflicting requirements.

14. **Ms. Peña Mendoza** (El Salvador) said that only a small percentage of the thousands of clandestine abortions that took place every year were reported. The national association of gynaecologists supported efforts to decriminalize abortion, as, under the current law, doctors were obliged to report women who had had abortions and could be sent to prison if they failed to do so. The Ministry of Health was organizing a general medical forum at which doctors would discuss the proposal to decriminalize abortion. Teachers were also being trained in abortion-related matters. The Government was attempting to work towards changing the law, but the obstacles to be overcome were so great that change could not be expected to occur overnight.

15. The sex education provided at school and by parents represented only a fraction of what young people learned about the topic; the rest was gleaned from the media, which portrayed young people as sex objects. It was necessary to look into the regulation of the media, but it was difficult to go up against powerful media corporations, which claimed to be victims of restriction of freedom of the press and of expression. The delegation would therefore welcome a recommendation from the Committee concerning regulation of the media.

16. Despite major progress in the country's health-care system, there was unlikely to be a drastic reduction in the teenage pregnancy rate in the near future. Under the Criminal Code, any consensual or non-consensual sexual relations with a girl aged 14 years old or under constituted rape. Accordingly, most pregnancies among girls and adolescents in El Salvador were the result of rape. Legislation in relation to the maquila industry had been amended several years previously, and management committees now had to be set up to allow female workers and employers to review factory practices and regulations.

17. **Mr. Robles Ticas** (El Salvador) said that health-care personnel received ongoing training in relation to abortion. The Ministry of Health encouraged doctors dealing with abortions to invoke their obligation to observe professional secrecy. In 2016 alone, more than 7,500 abortions had been performed under proper medical conditions and with good outcomes. The four deaths that had occurred had been the result of ectopic pregnancies. Emergency contraceptives were not available, although family planning services were provided. A national forum would be held with the participation of all stakeholders to review the situation and propose necessary amendments to the Legislative Assembly.

18. **Ms. Argueta Martínez** (El Salvador) said that women and adolescent girls were encouraged to enter non-traditional scientific professions, but the media and advertisers continued to perpetuate stereotypes and represent women as sex objects. For the first time, a case against a media outlet for the commission of symbolic violence had successfully been brought to trial, and the final hearing would take place in March 2017. There was clearly a need for legislation to regulate the sector. The authorities were also working to change the conduct of the media with respect to domestic violence; often, instead of naming the perpetrators, the media focused on the victims. It was hoped that such issues could become matters of law, not just of morality. A gender equality programme had been introduced in schools, targeting students, teachers, the educational community in general and parents, to help eliminate discrimination and promote girls' participation in scientific professions. More than 10,000 civil servants had received training in the last three years with a view to changing the institutional culture on equality. The Salvadoran Institute for the Advancement of Women worked with the Ministry of Education to provide substantive training on equality and women's rights.

19. **Ms. Arocha Domínguez**, noting that there were numerous initiatives to provide poor women with credit and economic assistance, said that she wished to know more about the nature of the loans, what they were used for and whether the amounts provided were sufficient to ensure that the beneficiaries could achieve economic independence through sustainable income-generating activities. She would welcome clarification of the nature,

objectives and scope of the initiative by the Salvadoran Institute for the Advancement of Women and the Central Reserve Bank to establish a satellite account for unremunerated work in the home. She would be interested to hear about the results of the Women's Bank programme and whether there were plans to continue it. She enquired whether the Solidarity Fund for Microenterprise Families included a gender perspective, whether women were the main beneficiaries and whether female-headed households were also covered. She requested information on the results of the most recent time-use survey and on the use being made of those findings.

20. **Ms. Acosta Vargas** said that the Salvadoran Institute of Agrarian Reform was to be commended on its efforts to improve the economic and political participation of rural women. Although the figures on women's access to land were quite promising, it seemed that the quality of the land allocated to women was often not very high. She invited the delegation to comment on that point. She requested an update on the status of the national policy for rural, subsistence farming and indigenous women and the national plan on indigenous peoples. She would welcome information on any major foreign investments that had had an impact on rural communities, including displacement of families, and reports that the granting of mining concessions created difficulties in accessing water. Noting the country's vulnerability to natural disasters and climate change, she asked to what extent rural women were involved in government contingency plans to deal with those challenges. She would be interested to know what plans were in place to deal with internally displaced women, including those who had been deported from Mexico or the United States of America. She wished to know what proportion of the country's total prison population were women, and whether they received legal support in relation to their court cases.

21. **Ms. Alvanes Amaya** (El Salvador) said that the empowerment of rural women was a priority for the Government. More than 5,400 financial transactions had been conducted for the benefit of rural women through the Women's Bank programme, which had been an unqualified success. Between 2013 and 2015, more than 17,300 women and 16,200 men had received credits through the National Development Bank of El Salvador to support activities in a range of sectors. The National Development Bank gave priority to rural women in granting loans, in amounts ranging from US$ 1,500 to US$ 25,000, and the Women's Bank provided loans of US$ 300 to US$ 4,000. The lending conditions were very favourable, with long repayment terms and a two-year grace period. Rural women had played a central role in the creation of the national policy for rural, subsistence farming and indigenous women, which covered issues such as access to land and credit, technical assistance, climate change and food security and would be monitored by the Food and Agriculture Organization of the United Nations. There were more than 40 rural women representatives at the national level. Indigenous women had also been consulted on the national plan on indigenous peoples, which covered access to land, education and health, and ancestral practices.

22. In 2016, the Salvadoran Institute of Agrarian Reform had granted 3,421 land titles to rural women, amounting to 46 per cent of the total. The issue of land quality had been raised by the women's civic participation committees, and efforts were being made to ensure parity in the quality of land allocated, for example in terms of the accessibility of roads and basic services. Importantly, all the land titles being granted were in the form of family property, regardless of whether the head of the household was a man or a woman. Under the Constitution, women and men had equal rights to land, and priority was being given to realizing that right. The national plan on indigenous peoples and the national policy for rural, subsistence farming and indigenous women were still under discussion but would be presented for approval soon.

23. **Ms. Argueta Martínez** (El Salvador) said that three time-use surveys had been conducted; the findings were used to recognize the value of women's unremunerated work

in the home in terms of its contribution to gross domestic product, a contribution that was not normally measured, and to develop the satellite account. It was hoped that the political recognition of that contribution would be reflected in public care policies.

24. **Ms. Fernández** (El Salvador) said that the results of the violence and time-use surveys to be conducted in 2017 would be shared with the Committee when available.

25. **Ms. Peña Mendoza** (El Salvador) said that the last major population displacement had been caused by a hydroelectric dam project in 1980. There were no longer any investments of that kind. Attempts to initiate mining activity had been rejected by the Government; in fact, El Salvador had won an international dispute against the Canadian company Pacific Rim, which had sought compensation because it had not been allowed to operate in the country. The possibility of adopting legislation prohibiting mining in the country was under discussion. Regarding female prisoners, while the vast majority were not serving time for abortion, those who were often had long sentences, as their convictions were for aggravated homicide.

26. **Ms. Fernández** (El Salvador) said that the State party had been working for several years on its disaster risk reduction plans and, under the leadership of the Vulnerability Affairs Secretariat, protocols had been developed to take into account the specific needs of girls, women, older women and women with disabilities. The Salvadoran Institute for the Advancement of Women ensured that women and girls were not at risk of violence in emergency shelters and that the emergency kits provided were gender-sensitive.

27. **Ms. Argueta Martínez** (El Salvador) said that there was a special law on water as a human right. Female environmental and water activists were very engaged and women played an important role in water management at the community level.

28. **Ms. Haidar** said that she would be interested to hear more about the role of women in disaster risk reduction at the national and local levels.

29. **Ms. Fernández** (El Salvador) said that, at the municipal level, disaster risk reduction efforts were carried out in cooperation with committees made up of both women and men. Considerable inter-institutional efforts had been made in that area in recent years, and shelters and response and care systems had been entirely decentralized. A gender perspective had been mainstreamed into the protocols applied at the national, departmental and municipal levels.

30. **Ms. Argueta Martínez** (El Salvador) said that under the National Plan for Equality and Equity for Salvadoran Women, adopted in 2016, the gender perspective had been incorporated into all data collection, ensuring that women and girls, but also older women and women with disabilities, were taken into consideration. The Salvadoran Institute for the Advancement of Women participated actively in disaster risk reduction efforts, as well as the response in the event of an actual disaster. The disaster protection system provided specifically for differentiated support for the lesbian, gay, bisexual, transgender and intersex community.

31. **Mr. Castaneda Magaña** (El Salvador) said that the Ministry of the Interior had expanded its competence to also cover "territorial development"; civil protection thus now came under its mandate.

Articles 15 and 16

32. **Ms. Hayashi** said that she wished to know whether, under the Family Code, the division of marital property upon divorce reflected the recognition of the value of unpaid household work done by women. While she supported the no-fault divorce regimes available in the State party, she wondered whether they adequately protected the rights of women and their dependants. She wondered what kind of dispute settlement mechanisms

were available to women in relation to the division of marital property or the payment of alimony, and what mechanisms were available in the event of non-payment of child maintenance obligations, other than the penalties provided for in article 201 of the Criminal Code. She would welcome an update on any follow-up given to the 2010 recommendation of the Committee on the Rights of the Child to continue promoting responsible motherhood and fatherhood, including by strengthening the mechanisms to verify the provision of maintenance allowances. She asked whether the proposed amendment to increase the minimum age of marriage to 18 had already been enacted without any exceptions. She wished to know whether the State party had conducted any studies to assess the impact of inter-country adoption, especially on mothers, and whether there had been any developments, such as the establishment of a supervisory institution or judicial intervention, to protect the rights of mothers and prevent trafficking of girls.

33. **Ms. Fernández** (El Salvador) said that the proposed reform of the Family Code was currently before the Legislative Assembly and, it was hoped, would be adopted in 2017. Following a legislative amendment, widows were no longer required to use the words "widow of" before their surname. The Counsel General's Office was making major efforts to follow up on all cases of non-payment of maintenance allowances. The law provided for the protection of women's rights following divorce, including such measures as maintenance payments, compensatory payments, protection of the family home, and special protection to guarantee a life free of violence. The Family Code also regulated de facto unions, in which the parties had rights similar to those of married couples.

34. **Ms. Argueta Martínez** (El Salvador) said that lawsuits had been filed against more than 10,700 persons, 77 per cent of whom were men, for non-payment of maintenance allowances. Legislation on domestic violence covered property-related and economic violence. An international mechanism had been set up to facilitate the collection of maintenance payments from fathers living outside the country, particularly in the United States of America. A degree of progress had been made, and some 20 per cent of fathers living outside El Salvador were making their maintenance payments.

35. **Ms. Alvanes Amaya** (El Salvador) said that significant progress had been made in relation to the payment of maintenance following the amendment of the Criminal Code in 2015. Prior to that, non-payment of maintenance had been punishable by weekend arrest for 24 to 48 weekends, but the penalty had now been increased to a fine of between 90 and 150 days' pay; in the case of deliberate fraud, the penalty was between 1 and 3 years' imprisonment.

36. **Mr. Castaneda Magaña** (El Salvador) said that, according to the latest figures, there were 3,740 female prisoners out of a total prison population of 33,508. He appreciated the opportunity to share his country's achievements and challenges, and thanked the Committee for its observations and recommendations.

37. **The Chair** said that the Committee was grateful to the delegation for the constructive dialogue. It commended the State party on its efforts and encouraged it to take all necessary measures to implement the Committee's recommendations.

The meeting rose at 4.30 p.m.